

Costs Decision

Site visit made on 6 April 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 April 2017

Costs application in relation to Appeal Ref: APP/G1250/D/17/3169506 162 Kingswell Road, Bournemouth, Dorset BH10 5DW

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Adrian Flagg for a full award of costs against Bournemouth Borough Council.
 - The appeal was against the refusal of planning permission for alterations, formation of dormer window and extensions to bungalow to include forming first floor level.
-

Decision

1. The application for an award of costs is dismissed.

Procedural Matter

2. I have taken into account the Government's Planning Practice Guidance (PPG), issued on 6 March 2014, in reaching my decision.

Reasons

3. The PPG advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. The applicant claims that the Council acted unreasonably in refusing planning permission on the basis that it has allowed previous planning applications of a similar nature, setting a clear precedent of acceptable design.
5. I acknowledge that the applicant, in respect of the appeal submissions, drew my attention to other local developments by way of comparison with the appeal scheme. However, the circumstances in terms of their design and the immediate context of their surroundings are different to that of the appeal scheme. In any case, the Council acted reasonably in determining the appeal proposal on its own merits.
6. In conclusion, for the above reasons, I find that the Council did not behave unreasonably in determining the application and that, therefore, the applicant's costs in pursuing the appeal were not unnecessarily incurred or wasted. For this reason, and having regard to all other matters raised, neither a full or partial award of costs is justified.

Andrew Dawe

INSPECTOR
