

Costs Decision

Site visits made on 10 July and 20 July 2017

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 31st July 2017

Costs application in relation to Appeal Ref: APP/E1210/D/17/3174872 2 Cricket Close, Mudeford BH23 3HT

- 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 and Mrs Brown for a full award of costs against Christchurch Borough Council.
 - The appeal was made against the refusal of planning permission for single storey side and rear extensions, raise ridge height of existing roof with half hipped gable ends to front and rear and the erection of two pitched roof dormer windows and roof light to the south west side elevation. Remove existing garage.
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Decision

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

Reasons

2. In paragraph 30 of the Planning Practice Guidance (PPG) concerning appeals it is advised that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
 3. It is accepted by the Appellants that the Committee is entitled to reject Officer advice. However, with reference to the second and third bullet points to paragraph 49 it is argued that there is no realistic and specific evidence to substantiate the decision which is said to rely on vague, generalised and inaccurate assertions about the proposal's impact.
 4. It is acknowledged that the Council's case against the proposal, as set out in the committee minutes, is of a somewhat generalised nature. However, I am bound to consider the matters in dispute, with there also being significant evidence from the adjacent residents. Moreover, this is a case where I found the scheme to be unacceptable, with the concerns raised in relation to bulk and mass by the Council and the neighbours being justified. Given my findings that the proposal would result in demonstrable harm and conflict with the development plan this is not an application that should obviously have been approved.
 5. As a result, this is clearly a case where paragraph 50 of the PPG applies. This indicates that where a local planning authority has refused a planning application for a proposal that is not in accordance with development plan policy, and no material considerations including national policy indicate that
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planning permission should have been granted, there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application.

6. In consequence, it is concluded that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated and a full award of costs is not justified.

M Evans

INSPECTOR