

Costs Decision

Site visit made on 28 March 2018

by Rory Cridland LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 27 April 2018

Costs application in relation to Appeal Ref: APP/G1250/W/17/3184588 8 Collingbourne Avenue, Bournemouth BH6 5QR

- 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 Scott Littlefield for a full award of costs against Bournemouth Borough Council.
 - The appeal was against the refusal of planning permission to remove side extension to existing and erect a new detached dwelling.
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Decision

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

Reasons

2. Planning Practice Guidance 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 expense in the appeal process. Furthermore, it indicates that Local Planning Authorities will be at risk of an award of costs being made against them if, amongst other things, they prevent or delay development which should clearly be permitted.
3. The appellant asserts that the Council has acted unreasonably by refusing permission for a scheme which accords with the development plan. I do not agree. The Council's decision notice provides three main reason for refusal; character and appearance, living conditions and a lack of mitigation for the Dorset Heaths Protected Sites. The first two of these are matters of judgement for the decision maker having regard to all of the circumstances. Although my decision makes clear that I do not agree with the Council on these issues, its reasoning was cogent, clear and not entirely without merit.
4. Furthermore, I am mindful that at the time of determination, the necessary mitigation in respect of the Dorset Heaths Protected Areas had not been secured and as such, the proposal did not accord with Policy CS33 of the Bournemouth Core Strategy. Overall, I do not consider the Council has acted unreasonably in this respect.
5. The appellant has also raised concerns with the Council's approach to an appeal relating to the adjoining site. However, that decision is now of some age and both local and national planning policy has changed in the intervening period. I do not consider the Council's failure to afford this appeal decision significant weight was unreasonable in the circumstances.

6. In addition, the appellant has suggested that a typing error in the decision notice resulting in the neighbouring property being incorrectly identified as No 1 Shakespeare Road is unreasonable. However, while I accept that this may have caused the appellant some initial confusion, I do not accept that it has resulted in anything more than inconvenience on the appellant's part. It does not, in my view, demonstrate the type of unreasonable behaviour which the PPG indicates the costs regime is intended to discourage.
7. Accordingly, I am not persuaded that the Council has acted unreasonably and conclude that an award of costs is not justified.

Rory Cridland

INSPECTOR