
Costs Decision

Site visit made on 25 June 2018

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2018

Costs application in relation to Appeal Ref: APP/G1250/W/17/3191922 40 Florence Road, Bournemouth BH5 1HQ

- 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 Holton Homes for a full award of costs against Bournemouth Borough Council.
 - The appeal was against the refusal of planning permission for demolish doctor's surgery and replace with a new development of 9no flats with associated parking.
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Decision

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

Reasons

2. The 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 another party to incur unnecessary or wasted expense in the appeal process.
3. Planning permission was refused against professional advice. This in itself does not constitute unreasonable behaviour. Members are not bound to accept the recommendations of their officers. An award of costs would only be justified where the Council cannot produce relevant evidence to show that there were reasonable planning grounds for taking a contrary view.
4. The concern regarding demolition of the existing building stemmed from its identification within the emerging Boscombe and Pokesdown Neighbourhood Plan as a candidate for listing at local level. This did not confer any form of statutory protection. However, the Committee was entitled to take it into account as a material consideration – particularly in light of the new information supplied by objectors. As I have set out in my decision, it was reasonable to treat the building as a non-designated heritage asset.
5. The National Planning Policy Framework explains that the effect of an application on the significance of a non-designated heritage asset should be taken into account and that a balanced judgement will be required. This would necessarily involve taking a view on the likelihood of demolition taking place, should planning permission for redevelopment of the site be denied. The applicant did not seek a determination as to whether the Council's prior approval would be required for demolition until after the Committee met. In the absence of any firm evidence demonstrating ability and intent to demolish, the Committee was

entitled to give greater weight to the community's stated desire to retain the building.

6. The development plan contains a policy seeking to ensure that all schemes provide a high standard of amenity to meet the day to day requirements of future occupants. The absence of a specific policy on minimum dwelling sizes meant that it was not appropriate to apply the Nationally Described Space Standard. Nevertheless, there was a planning judgement to be made on the adequacy or otherwise of the accommodation and it was not unreasonable to have regard to the national standard as a benchmark. Furthermore, the Committee was entitled to take its own view on whether the arrangements for external amenity space would be acceptable.
7. Overall, I am satisfied that the correct material considerations were taken into account when determining the application. That the Committee attached different levels of weight to the competing factors does not invalidate the Council's approach or make its behaviour unreasonable.
8. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not been demonstrated and an award of costs is not justified. For the reasons given above, I refuse the application for an award of costs.

Robert Parker

INSPECTOR