The Planning Inspectorate

Costs Decision

Site visit made on 5 March 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date:20 March 2019

Costs application in relation to Appeal Ref: APP/G1250/D/18/3217771
7 Gerald Road, Bournemouth BH3 7JY

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
- The application is made by Mr and Mrs Sam Howell for a full award of costs against Bournemouth Borough Council.
- The appeal was against the refusal of planning permission for a single storey side and rear extension & replacement roof for the existing garage.

Decision

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

Reasons

2. The Government's Planning Practice Guidance advises that costs may 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.

3. The thrust of the application for an award of costs is that the Council did not behave reasonably in its handling of the application. Turning firstly to the registration of the application, I am not aware of the detailed guidelines for the validation of an application. That said, given that the case officer subsequently considered they were inadequate for the making of a full planning appraisal, I consider that the decision to validate the application was unfortunate. This is especially because the Council says that it was recognised at registration stage that the clarity and quality of the drawings was an issue and that they were only validated after the agents had made some minor amendments.

4. However, most applicants would consider it helpful to be given the benefit of the doubt at registration stage and whilst the apparent inconsistency between the validation team and the case officer is unfortunate, I do not consider it is unreasonable, not least because it is an applicant's responsibility in the first place to submit drawings of a scheme that are fit for purpose. From the appeal evidence it is clear that the agent thinks they are and from my Decision it will be clear that I share the Council's view that they are not.

5. A second issue raised for the appellants is that the Council did not carry out a site visit that included the appellants' rear garden. Given that the majority of the appeal scheme is to the rear of the dwelling and it would be difficult to see the site as existing from any other vantage point, I consider this to be an error. The Council says that 'site visits were made' but if that is the case it begs the

question as to why arrangements weren't made to access the rear of the property. A marginal increase in effort at that stage would have provided a fuller understanding of the appeal scheme, at the very least in the applicant's perception of the standard of the service they have paid for.

6. In the event there is enough information from online resources and the submitted OS based plan to show the extent of the proposed development. And this, together with the context of the site, has allowed the Council to make a planning judgement on the scale of the proposal in terms of footprint / site coverage, which whilst in my view not fully informed is not an unreasonable decision. If in my opinion the Council had come to a flawed planning judgement as a result of a failure to see all that it needed to see, I consider that it would have behaved unreasonably.

7. I have noted the comments of both parties on the communication between them, or to be more accurate the lack of it, but these do not go to the fundamentals of the claim. In essence these are that the validation of the application was probably an error but this only arose in the first place because the submitted drawings fall well below the minimum acceptable standard.

8. In summary, the Council behaved reasonably in relation to its decision not to accept the plans, albeit this should have come at the outset of the process. On the issue of the site visit, I consider this case required a visit to the rear of the property, but because the Council's judgement on the application was not flawed as a result, the appraisal process and reason for refusal stops short of being unreasonable.

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Accordingly, the application for an award of costs is refused.

Martin Andrews

INSPECTOR