
Costs Decision

Site visit made on 27 August 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Costs application in relation to Appeal Ref: APP/G1250/W/19/3225916 76 Huntly Road, Bournemouth BH3 7HJ

- 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 & Mrs P & M Cheer for a full award of costs against Bournemouth Borough Council.
 - The appeal was against the refusal of planning permission to demolish existing dwelling and erect two no. 3 bedroom houses.
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Decision

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

Procedural matter

2. Since the Council determined the application there has been a reorganisation of local government in the area. However, the decision to which this application relates was made by Bournemouth Borough Council and my above heading reflects this.

Reasons

3. The 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.
4. This first main issue in this appeal turns on an assessment of whether a proposed development is compatible with the character and appearance of the area. The findings of that assessment lead to a conclusion as to whether the aims of Policies CS21 or CS41 of the Bournemouth Local Plan: Core Strategy 2012 (CS) or Policy 6.8 of the Bournemouth District Wide Local Plan 2002 are complied with, or not. As the Council considered that there was harm to the character and appearance of the area, they reasonably found conflict with those policies.
5. I note that the Council's officers sought amendments to the scheme and found that the proposal did not result in harm to the area. However, they only provided a recommendation to the Council's planning board, who were entitled to take a contrary view.
6. The Council's appeal statement gives clear reasons why the development had been deemed by the Council to result in harm. This was based on a clear assessment of the established character and appearance of the area and analysis of the proposed development in its context. Whilst I have not agreed

with the Council in that regard, it has provided sufficient evidence to justify the objection set out in the reason for refusal.

7. It may well be that there are other matters, such as the ability of the proposed gardens to meet the needs of future occupants and parking provision where there is no dispute between the Council and appellant. However, the Council did not refuse the application, nor seek to defend the appeal for those reasons.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

M Bale

INSPECTOR