



Costs Decision

Site visit made on 10 September 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2019

Costs application in relation to Appeal Ref: APP/Q1255/W/19/3226875 1 North Road, Poole, BH14 0LT

- 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 Reef Properties Ltd for a full award of costs against Bournemouth, Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission for 'demolish existing properties and erect 5 x 1 bedroom apartments together with on site parking'.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, 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 applicant considers that the Council acted unreasonably because they prevented or delayed development which should clearly be permitted. It is asserted that the Council did also not identify how the appeal proposal would result in demonstrable harm and attributed insufficient weight to various matters.
4. The Council's Decision Notice sets out clear and substantiated refusal reasons based on conflict with the development plan. The Officer Report deliberates on the site's surroundings, including regarding nearby buildings and the site's accessible location, and sets out the harm that the Council considers would arise as a result of the proposed development. The Council's appeal statement then substantiated the reasons for refusal and the alleged harm. Amongst other aspects, it also considered the evolving character of the area in relation to extant planning permissions on nearby sites and weighs the benefits of the development against the alleged harm.
5. In dismissing the appeal, I found that the proposed development would harm the character and appearance of the surrounding area. Accordingly, it conflicts with the development plan and this indicates that the refusal of permission by the Council was not an unreasonable act of itself.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Tobias Gethin

INSPECTOR