



Costs Decision

Site visit made on 28 October 2019

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2019

Costs application in relation to Appeal Ref: APP/E1210/W/19/3234766 122 Matchams Lane, Hurn, Christchurch BH23 6AN

- 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 Stuart Ward for a full award of costs against Christchurch Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for demolition of the existing buildings and construction of a replacement detached house with associated parking, access and landscaping.
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Decision

1. The application for costs is refused.

Reasons

2. 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.
3. The appellants allege that the Council has delayed development which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. Whilst there appear to have been some delays in processing the appeal application, I note that the Council underwent a substantial change during this period. Despite the interruption to its usual service, it is evident that the Council undertook the expected consultations and has considered the scheme in the context of the site's detailed planning history during the statutory period.
5. Whilst the decision was not ultimately reached within a timely manner, the Council has exercised its planning judgement in respect of the potential harm to the openness and visual characteristics of the Green Belt. This is a largely subjective matter and it is clear that the Council felt that incremental alterations from that approved would be more harmful, given the changes to the siting, design and scale of the original dwelling. Furthermore, the Council has supported its putative reasons for refusal with the necessary evidence that adequately substantiates its position and relates it to the relevant policies.
6. Consequently, whilst I have a degree of sympathy for the appellants in relation to the delays incurred and have found in their favour in terms of the appeal decision, based on the information before me, there is no substantive evidence that demonstrates that the Council have behaved unreasonably.

7. In conclusion, I find that it has not been demonstrated that the Council behaved unreasonably. For this reason, an award of costs is therefore not justified.

Hollie Nicholls

INSPECTOR