
Costs Decision

Site visit made on 10 December 2019

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th January 2020.

Costs application in relation to Appeal Ref: APP/P1235/W/19/3227154 35 Easton Street, Portland DT5 1BS

- 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 and Mrs Spencer Cullum for a partial award of costs against Dorset Council.
 - The appeal was against the refusal of planning permission for the erection of 3 No two storey cottages.
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Decision

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

Reasons

2. 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 the party applying for costs to incur unnecessary expense in the appeal process.
3. The application essentially relies on the fact the Council Officers recommended that planning permission be granted for the proposal, but that the Council Members took a different course of action, on the matter of highway safety, without adequate reason to do so. This, in the appellant's view, amounts to unreasonable behaviour and resulted in unnecessary and wasted expense being incurred.
4. While the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached the Council must clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
5. In this case, in reaching their decision Planning Committee members were informed by a site visit and were able to assess the proposed access in relation to the prevailing highway environment and using their knowledge of the area. The Committee's resolution provided clear wording on the concerns in respect of the proposal's access, and it would not be unreasonable for this view to be expressed in light of the substandard visibility when emerging onto Easton Street. Whilst it is acknowledged that Officers were then tasked with framing the refusal reason around the committee members' resolution, that reason was consistent with the thrust of the member's resolution relating to the vehicle access whilst also indicating which development plan policy the concerns related to. Moreover, an additional supplementary report assessing the issues

raised by committee members provides objective analysis of the proposal that is consistent with the resolution of members.

6. I have found that the Council had reasonable concerns about the impact of the proposed development's access which justified its decision in that regard. The appellant had to address those concerns and the evidence of third parties in any event.
7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

R. E. Jones

INSPECTOR