



Costs Decision

Site visit made on 2 December 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2020.

Costs application in relation to Appeal Ref: APP/Q1255/W/19/3236677 6 New Quay Road, Poole BH15 4AF

- 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 D Ward, Sunseeker Charters Ltd. for a full award of costs against Bournemouth, Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission for demolition of the existing dwelling and the erection of a 3 storey building comprising offices (to be used in connection with port related activity) on the ground floor and 8 x 1 no self contained flats with associated vehicular access and parking and footpath widening.
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Decision

1. The application for an award of 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 proposal would include office space that may be connected to a major local employer, located within Poole Port. It could, therefore, constitute an element of port related development, but the wider proposal includes elements of residential which are not. The letters of support from the appellant, do not provide firm evidence that the proposal is necessary to support the expansion of this important local business and in this context, the Council's decision not to support the application is not unreasonable.
4. Whilst there is no objection from the Council's Environmental and Consumer Protection Services Officer, the wider area is clearly one where established businesses could legitimately expect to generate noise at all times of day. Therefore, the Council's concerns around the implications of residential development within the port area are not unreasonable, even if I have not agreed with them.
5. Prior approval has been given for the demolition of the existing building. The possibility that this could occur is, therefore, clearly a material consideration. However, the weight to be attributed to that is a matter for the decision maker and the officer report sets out clear reasons for the Council's position in that regard. Due to the neutral effect of the proposed building in itself on the character and appearance, like the Council, I have found that harm would arise to the character and appearance of the area overall.

6. Unlike the Council, I have not couched the overall balance of these two considerations as a discrete issue in my overall planning balance. However, whilst I have not agreed with all of the Council's design concerns, there is no evidence that the Council were inherently unreasonable in weighing the proposed design against the loss of the heritage asset, or that their reasoning was unfounded.
7. Whilst I have found that harm would not arise in respect of the proposed refuse storage arrangements, the Council's concerns are based upon published Council guidance. Therefore, the Council's approach was not unsupported by evidence.
8. I can understand the appellant's frustration over the time taken for the Council to deal with the application, particularly in light of some of the correspondence that took place. However, there is no evidence that a shorter process would have changed the eventual outcome, so it has not caused wasted expense in the appeal process.
9. 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