
Costs Decision

Site visit made on 5 August 2019

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2020

Costs application in relation to Appeal Ref: APP/G1250/W/18/3218886 Durley Road Car Park, Hahmann Road, Bournemouth BH2 5JW

- 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 Bournemouth Development Company for a full award of costs against Bournemouth Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a part five, and part six storey building comprising 44 apartments together with parking and access provisions.
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Decision

1. The application for costs is refused.

Reasons

2. Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant states that there was a lack of evidence and policy support for the Council's reasons for refusal. However, whilst I have allowed the appeal, I found the reasons for refusal and the subsequent statements from the Council to be thorough and reasoned, concluding against planning policy.
5. The appellant has also highlighted the matter of the Planning Committee overturning a recommendation for approval from the Planning Officer, with a lack of objection from consultees. However, it is completely the right of the Members of the Planning Committee to consider the recommendation of their professional officers and consultees but decide to refuse, as happened with this case. The Planning Committee did not agree that this is a development that should be supported in this instance, due to their concerns, including that of parking provision, and clearly did not feel this could be overcome with planning obligations. I also recognise that there have been objections to the proposal with evidence provided from local residents and those who work in the area of this car park, which the Members would have taken into consideration.

6. Furthermore, there is no substantive evidence that the Planning Committee in coming to their decision based this on wholly inaccurate information or irrelevant matters.
7. Whilst I did allow the appeal, I would not agree that it was a straightforward decision or that the development 'clearly' should have been permitted. As stated above, the Council has provided a thorough statement in support of its decision to refuse the planning application.
8. At the post-decision stage, the applicant states that there was a lack of engagement with the Council with regards the draft legal agreement. Whilst this may have taken a while, it is clear that the Council has worked with the appellant to produce the draft legal agreement as this was submitted to support the appeal.
9. Overall, I 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.

S. Rennie

INSPECTOR