



Costs Decision

Site visit made on 9 October 2019

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2020

Costs application in relation to Appeal Ref: APP/G1250/W/19/3231541 30 Malvern Road, Bournemouth, BH9 3AQ

- 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, Christchurch and Poole Council for a partial award of costs against Mr L and Mr V Dodd.
 - The appeal was against the refusal of an application for planning permission for erection of a first floor extension to the existing house and the erection of a detached 2 storey dwelling with provision of off road car parking and garden (revised scheme).
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) 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 or wasted expense in the appeal process.
3. The Council considers that there was unreasonable behaviour by the applicants for the reasons considered below, which resulted in the Council having to incur unnecessary or wasted expense in the appeal process.
4. The applicants' costs application is largely predicated on the lack of evidence to support the Council's assertion that the appeal property (No 30) is a non-designated heritage asset. In determining the applicants' costs application, I have concluded that the Council did not act unreasonably.
5. However, the key information in identifying No 30 as a non-designated heritage asset is the Design and Heritage Team Consultation Report. As there is no statutory requirement for this to be referenced within the Delegated Report or to be made available on the Council's website, this in itself does not constitute unreasonable behaviour.
6. Nonetheless, and irrespective of No 30 being identified as a non-designated heritage asset in determining a previous application at No 30, had the Design and Heritage Team Consultation Report been clearly referenced or readily available, it would have provided the applicants with a better insight into the Council's reasoning for identifying No 30 as a non-designated heritage asset, and therefore the applicants' costs application may have been avoided.

7. Given the above reasons, I find that the applicants did not act unreasonably in this case. Accordingly, it is not necessary to consider the question of unnecessary or wasted expense. I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated.

M Aqbal
INSPECTOR