



Costs Decision

Site visit made on 20 January 2020

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2020

Costs application in relation to Appeal Ref: APP/V1260/W/19/3240335 14 Links Road, Poole BH14 9QR

- 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 Adams for a full award of costs against Bournemouth, Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission for erection of 3 No. bedroom dwellinghouse.
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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 appellants state that the appeal was unnecessary as the LPA have not properly considered the proposal including the lack of a site visit during the application process. They have also raised concern that the Council failed to take a positive approach during the course of the planning application and came to incorrect conclusions particularly with regard to overshadowing and garden provision.
4. From the details before me planning officers had undertaken a site visit at the appeal site for a previously withdrawn application, a week prior to the submission of the application subject of this appeal. Given the time period detailed I am satisfied that this would have afforded officers to properly consider the merits of the appeal proposal and in isolation, do not consider that these factors demonstrate unreasonable behaviour. Similarly, whilst the Council's arboricultural officer had not recently visited the site, owing to the planning history and previous visits to the site, I do not in itself consider that unreasonable behaviour has been demonstrated, particularly as I have agreed with their concerns to some degree.
5. Whilst I note the appellants' concerns with regard to the assessment of certain planning considerations, I consider that the decision was appropriately reached on the basis of the planning merits of the proposal as submitted. I also acknowledge the planning history at the site and the suggestion that pre-application discussions occurred prior to the submission of the application subject of this appeal. On balance, I do not find that the Council were

unreasonable in terms of when and how it reached its decision to refuse planning permission or that they failed to approach the application in a positive manner.

6. The appellants have indicated that the Council have been inconsistent in approving other similar proposals and have failed to consider other secondary buildings near to the appeal site. On the evidence before me, and without being familiar with the full site specifics of each case, I found there were a number of material differences with the appeal proposal and the quoted examples, whilst I did not find that the examples provided were predominant or overriding characteristics that justified the appeal proposal. On the evidence before me, I do not consider that the Council has been inconsistent in their decision making and do not consider that they have acted unreasonably in this regard.
7. It has also been brought to my attention that the appellants have concerns over potential bias from the Council owing to the planning history at the site, and also from an elected member's personal relationships. However, I have no substantive evidence before me to demonstrate that this has occurred or that parties were unreasonable in this respect.

Conclusion

8. For the reasons outlined above, I therefore conclude that unreasonable behaviour, resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated. Consequently, an award of costs is not justified.

Robert Lankshear

INSPECTOR