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## Costs Decisions

Site visit made on 12 February 2020

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

**an Inspector appointed by the Secretary of State**

**Decision date: 15 April 2020**

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### **Costs application in relation to Appeal Ref: APP/D1265/W/19/3240493 Little Meadow, Back Street, East Stour SP8 5JY**

- 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 Boyd for a full award of costs against Dorset Council.
  - The appeal was against the refusal of planning permission for the demolition of existing bungalow and erection of a replacement dwelling with ancillary accommodation and associated works.
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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 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. In their application for costs, the applicant states that there was a lack of evidence with clear objective analysis with the Council's refusal. However, I found the reasons for refusal to be sufficiently thorough and reasoned to explain their decision, especially when considered along with the Council's report and statement. Some of the issues, such as the design of the proposed house, are to some extent subjective and I have taken this into account.
5. The applicant has raised the issue of the Council not accepting the footprint-to-plot ratio analysis and suggests the Council did not fully comprehend that the appeal site area used was just the residential curtilage. However, these matters would not likely have changed the fact that the Council refused the original planning application and so there is no clear evidence that any of these matters led to an additional cost for the applicant in going to appeal.
6. The Council has mentioned the use of the 50% increase restriction, but this relates to a Local Plan policy for houses in the countryside and not in settlement boundaries, such as this appeal site. The Council recognise this, but

still find that the increase in size was unacceptable. I do not regard it as unreasonable for the Council to determine that the replacement dwelling would overdevelop the site, even though I have come to a different conclusion.

7. Furthermore, the Council has acknowledged other examples of similar houses to that proposed, but there are some differences which leads me to conclude that the Council refusing the planning application at Little Meadow was not unreasonable, even with these other nearby examples being evident.
8. Overall, I do not regard this case as being 'straight forward' or one that should clearly have been permitted by the Council. 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.

*S. Rennie*

INSPECTOR