
Costs Decision

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: 21 April 2020

Costs application in relation to Appeal Ref: APP/D1265/W/19/3240487 Land at Wood Lane, Stalbridge, Dorset DT10 2QZ

- 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 M Junge for a full award of costs against Dorset Council.
 - The appeal was against the refusal planning permission for the erection of a detached dwelling with an associated vehicular access, parking area and curtilage.
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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. In their application for costs, the applicant states that there was a lack of evidence with clear and precise reasoning 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. This includes why the Council concluded that the proposed development would have an adverse effect to the significance of the Conservation Area.
5. The applicant states that the Council referencing another appeal ref: APP/N1215/W/18/3203865 is not relevant as this related to a 98 dwelling scheme within the Conservation Area. However, the Council did highlight the section of the appeal decision where the Inspector agreed with the Council that this other site formed part of a valued landscape. From this the Council have stated that although this later appeal site is not on the same scale as the previous appeal site, *'it will have similar negative landscape & rural setting impacts.'*
6. Based on the previous Inspector comments, which discussed the countryside setting of Stalbridge and unspoilt landscapes, I do not find that the Council

acted unreasonably to highlight this previous appeal or to consider these landscapes as being of value, even if the applicant disagrees.

7. The applicant has also stated that there were previous aspects with the 2015 refused application which were not objected to by the Council then, but are now not considered acceptable. However, it is clear to me that the Council had fundamental objections to the proposal which included four reasons for refusal. Even if there were some inconsistencies, there were other reasons for refusal from the Council which would likely have led to this appeal anyway.
8. Overall, I do not regard this case as being one that should clearly have been permitted by the Council. Indeed, I have dismissed the appeal. 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