



Costs Decision

Site visit made on 29 June 2020

by S Edwards MA MRTPI

An Inspector appointed by the Secretary of State

Decision date: 04 August 2020

Costs application in relation to Appeals Ref: APP/D1265/W/20/3248499 & APP/D1265/Y/20/3248496

The Former Military Hospital, Marabout Estate, Dorchester DT1 1YA

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Barry Crook (G Crook & Sons) for a full award of costs against Dorset Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on applications for planning permission and listed building consent for change of use of vacant Former Military Hospital to Residential.
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Decision

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

Reasons

2. The Planning Practice Guidance¹ (the PPG) advises that costs may be awarded where a party has behaved unreasonably and thereby directly caused another party to incur unnecessary or wasted expense in the appeal process. Paragraph 049 of the PPG lists different types of behaviours which may give rise to a substantive award against local planning authorities.
3. The applicant considers that the Council acted unreasonably in requesting additional representations and documentations as part of what constituted the fourth consultation of the Economic Development Department. As a result, considerable expense was incurred by the applicant, in addition to the costs already experienced following pre-application consultation and advice. It is also argued that this led to prolonged periods where the applications remained undetermined.
4. In any appeal against non-determination, the PPG² states the local planning authority should explain their reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the relevant period. No rebuttal has been submitted by the Council. However, it is clear, having regard to their submissions, that the viability aspects of the proposal were still under consideration at the time of the appeals, notably by the Valuation Office Agency, who had requested additional information to complete their assessment.

¹ Paragraph: 030 Reference ID: 16-030-20140306.

² Paragraph: 048 Reference ID: 16-048-20140306.

5. As detailed within my Decisions, I share the Council's concerns in respect of the loss of employment premises which would result from the proposal. The Council's behaviour in delaying the determination of the application is therefore not considered unreasonable as, in the absence of substantive information demonstrating otherwise, the appeal scheme remains contrary to the development plan and national planning policy.
6. I therefore find that unreasonable behaviour or wasted expense, as described in the PPG, has not been established. On this basis, I conclude that an award of costs is not justified.

S Edwards

INSPECTOR