



Costs Decision

Site visit made on 23 June 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2020

Costs application in relation to Appeal Ref: APP/V1260/W/20/3244578 41 Danecourt Road, Poole BH14 0PG

- 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 Mrs Diane Vincent for a partial award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission to demolish existing dwelling and replace with 4 new.
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Decision

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

Preliminary matter

2. The costs application sets out at paragraph 3.2 that the appellant seeks an award of costs in relation to the work on the appeal connected to first reason for refusal of the planning application. That reason related to the effect on the character and appearance of the area. I have treated the application as one for a partial award of costs in respect of this issue.

Reasons

3. 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.
4. There is no dispute between the Council and appellant that the site is in an appropriate location for the development. However, the development plan sets out that the acceptability of development in principle is subject to detailed consideration of other matters, such as the effect on the character and appearance of the area, living conditions, and highway safety.
5. In respect of the effect on the character and appearance of the area, the Council has given detailed reasons as to why the proposal was considered to cause harm. This included an objective assessment of the proposed form of development in its context, leading to a conclusion that it would not respect its surroundings. In assessing this matter, an element of judgement is required on a site by site basis and so I do not find inconsistent application of the development plan in this regard. Whilst I have not agreed with the Council's conclusion, its reasoning was clear.

6. I can understand the appellant's frustration with the time take for the Council to determine the application. However, there is no clear evidence that this in itself has resulted in wasted expense in the appeal process.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Accordingly, the application is refused.

M Bale

INSPECTOR