The Planning Inspectorate

Costs Decision

Site visit made on 19 January 2021

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2021

Costs application in relation to Appeal Ref: APP/D1265/W/20/3261921
Vidine, Smiths Lane, Piddletrenthide, Dorchester, Dorset DT2 7RA

- 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 David Abbott for a full award of costs against Dorset Council.
- The appeal was against the refusal of planning permission in principle for the removal of dilapidated caravan and erection of a dwelling.

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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 applicant claims that the Council has acted unreasonably in two main ways. Firstly, that the appeal site does not sit in open countryside. Secondly that the Council disregarded a recent appeal Decision[1] in the determination of their application for a planning permission in principle.

4. With regard the first point, as set out in my Decision, notwithstanding that the appeal site appears to be located amongst other development, the site sits outside the Defined Development Boundary (DBB) of Piddletrenthide. Policy SUS2 of the Development Plan therefore appears to treat such locations as countryside, which the policy seeks to protect. I do not consider that the use of the term 'open' has resulted in any unnecessary or wasted expense.

5. With regard the second point, the previous Decision relates to an Outline application in a rural location without any DBB, some distance from Piddletrenthide. The proposal before me relates to a permission in principle, in a village with an existing DBB and the proposal sits outside the DBB. On the information provided I cannot conclude that the Council have wholly disregarded the Decision, and in any event, in my view, for the reasons above, that Decision has limited relevance to the appeal before me.

6. Likewise, the Council must consider applications on their own merits. In this instance, notwithstanding the outcome of the appeal, for the reasons referred to by the Council, they considered the proposal to conflict with the Development Plan. I also identified conflict with the Development Plan.

[1] APP/D1265/W/20/3250576

However, other material considerations, including the current position with regard the five-year housing land supply, led me to a different conclusion.

7. In conclusion, I therefore find that unreasonable behaviour resulting in unnecessary wasted expense in the appeal process, as described in the PPG has not been demonstrated.

M Scriven

INSPECTOR