The Planning Inspectorate

Costs Decision

Site visit made on 1 February 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2021

Costs application in relation to Appeal Ref: APP/V1260/W/20/3260804
12 Eaton Road, Poole BH13 6DG

- 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 A J Land Consultancy Ltd for a full award of costs against Bournemouth Christchurch and Poole Council.
- The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission to demolish existing garage, erect 1 No. 4 bed house with garage and new garage for existing house.

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. 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.

3. The Council did not determine the application within the relevant time limit and has provided no indication as to why this was not possible. Furthermore, the Council has provided no indication as to what its decision would have been or why the appeal should not succeed.

4. Although I have dismissed the appeal, this is due to a lack of mitigation that the appellant has indicated a willingness to provide. I must determine the appeal on the basis of the evidence before me at the time of my decision, but there is no clear reason, given the appellant's position on this matter, that it could not have been resolved through cooperation between the main parties, had the Council proceeded to determine the application.

5. I, therefore, find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Bournemouth Christchurch and Poole Council shall pay to A J Land Consultancy Ltd, the costs of the appeal proceedings described in the heading of this

decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

7. The applicant is now invited to submit to Bournemouth Christchurch and Poole Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

M Bale

INSPECTOR