



Costs Decision

Site visit made on 26 January 2021

by Martin Small BA (Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2021

Costs application in relation to Appeal Ref: APP/V1260/W/20/3257810 41 Longfleet Road, Poole, BH15 2HW

- 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 and Mrs Bradshaw for a full award of costs against Bournemouth, Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission for demolition of side covered porch and conservatory, erect a single storey at rear, carry out internal alterations to increase from 2 no flats to 4 no flats (revised scheme).
-

Decision

1. The application for a full award of costs is refused.

Reasons

2. National Planning Practice Guidance advises that, regardless of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal, behaviour and actions at the time of a planning application can be taken into account in the consideration of whether or not costs should be awarded.
3. This application for costs follows the refusal of planning permission. The first reason for refusal related to inadequate parking provision. The applicants contend that the Council acted unreasonably in refusing the application by, in summary, relying on an out-of-date Supplementary Planning Document (SPD), failing to consider via alternatives to onsite parking and a lack of evidence of increased accident rates from drivers trawling the streets looking for a parking space. The applicants also contend there was an excessive delay in determining the application. These factors, the applicants argue, led to unnecessary expense in the appeal process.
4. The Council's Parking and Highway Layout in Development SPD was adopted in 2011 and originally supported a number of policies in the Poole Core Strategy. The Core Strategy was superseded by the adoption of the Poole Local Plan in 2018. The appeal site lies within a Sustainable Transport Corridor within which Policy PP2 of the Local Plan seeks to concentrate higher density development to provide a focus for investment in infrastructure to provide alternatives to the car.
5. However, Policy PP35 of the Local Plan specifically requires proposals for new development to accord with the SPD. Although the Council has withdrawn its first reason for refusal in the light of its adoption of a revised Parking

Standards SPD, at the time of determining the application the revised SPD had yet to be adopted. The Council's decision to refuse permission for the proposal was consistent with its previous refusal of an alternative scheme on the site partly on the basis of parking provision.

6. The Council determined the application in accordance with the development plan. I am therefore satisfied that the Council did not behave unreasonably in having regard to the then adopted version of the SPD in determining the application in accordance with a policy in a relatively recently adopted Local Plan.
7. It is clear from the email exchange between the Planning Officer and Transport Policy that the applicants' suggested alternative of a car club was considered by the Council and deemed not to be an acceptable alternative for the reasons set out in the Council's email of 22 June 2020. The Council's Transport Policy Appeal Statement explains why the suggestion of a single car space being used as a communal space for the 1 bedroom flats would not be acceptable. I do not accept therefore that the Council failed to consider any viable alternatives to onsite parking. The SPD takes account of the accessibility of a location in its zonal approach.
8. Whilst the Council has not specifically provided any evidence of accident rates in the vicinity of the appeal property, I consider that the Council's concerns in respect of highway safety have been adequately justified in the Planning Officer's Report and appeal statement. I accept that the Council's position is at odds with the conclusions of the Transportation Statement submitted with the application, but this difference of professional opinion does not itself amount to unreasonable behaviour by the Council.
9. The Council took almost four months from the date of the application to the date of the decision notice to issue a decision, exceeding the 8-week target date. Whilst this delay in determining the application was regrettable, I am satisfied that there were extenuating circumstances in what was an extraordinary period of time due to the Covid-19 pandemic.
10. The PPG sets out that if it is clear that a local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation. Whilst, from the evidence before me, the Council did not do this, there was an ongoing dialogue between the applicant and the Council during this time. Accordingly, I find that the Council did not behave unreasonably in not determining the application within the prescribed period. Even if the delay amounted to unreasonable behaviour, it is not clear to me that it has resulted in unnecessary or wasted expense in the appeal process.

Conclusion

11. I therefore conclude, for the reasons given above, that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated in this appeal. The application for a full award of costs is therefore refused.

Martin Small

INSPECTOR