



Costs Decision

Site visit made on 9 March 2021

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Costs application in relation to Appeal Ref: APP/V1260/W/3261908 10 Crichel Mount Road, Poole, BH14 8LT

- 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 Westcoast Developments LTD for a full award of costs against Bournemouth, Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission to demolish the existing outbuilding and erect 2no. semi-detached dwellings with associated access and parking.
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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 considers the Council have acted unreasonably in three main ways. Firstly, the time taken and approach of the Council in determining the application. Secondly, that the Council has disregarded the provided parking survey and that there would be adequate space within the proposal to accommodate necessary parking so as to enable vehicles to leave safely. Thirdly, that there would be no harm to the living conditions of future occupiers as a result of the extant permission above the site.

Timeliness and approach to decision-making

4. I accept there appears to have been a delay in determining the application, as too does the Council. It would appear that this has been primarily due to the disruption that the COVID-19 pandemic has created. The effects of the resultant disruption could not have been reasonably foreseen by the Council to the point that the Council have acted unreasonably in this regard. I do accept that the Council could have better informed the applicant of the status of their application. However, the appeal before me does not relate to the non-determination of a planning application, as such I do not consider this has led to any unnecessary expense being incurred in the appeal process.
5. I have no evidence that the transportation officer has acted unreasonably but rather advised on their view of the proposal before them.

Parking considerations

6. The Council considered Plan 1519 202B at the time of their decision, as requested by the appellant. The proposal did not meet that required in the adopted Parking and Highway Layout Supplementary Planning Document (SPD) at the time.
7. The applicant has provided a parking survey for Lilliput Road demonstrating on-street parking capacity exists in that location. As detailed in my Decision, Lilliput Road is unlikely to be a realistic alternative for occupants, their visitors or deliveries to park at given the distance from the site and the nature of the access to it. Although such surveys were referred to in the SPD, it would not appear the Council specifically requested a parking survey in this instance, as such I do not consider that unreasonable behaviour has occurred.
8. Notwithstanding the number of spaces proposed in Plan 1519 202B now meets that required in the recently adopted Parking Standards SPD, this does not mean the Council acted unreasonably at the time of the decision. Similarly, given this was made clear in their appeal statement, no unreasonable behaviour has been demonstrated in this regard during the appeal process. The appellant was also given further opportunity to comment on the content of the recently adopted SPD in relation to the appeal, however did not respond.
9. Likewise, that the extant permission provides four spaces, as well as adequate turning area for vehicles to leave in forward gear does not justify the proposal before me. That proposed is for two separate dwellings and therefore there would likely be more demand for parking and more comings and goings from the site, resulting in harm to highway safety.

Living conditions

10. The Council's second reason for refusal did not relate to the relationship between the proposed dwellings and the approved development above the site. The reason for refusal related to the effects of the proposal on privacy and outlook of future occupiers of the appeal properties, specifically as a result of the intended retaining walls and elevated nature of the gardens serving the appeal properties, facing directly into habitable rooms of the proposed pairing before me. As such I do not consider any unreasonable behaviour has occurred in this regard.

Conclusion

11. 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