



Costs Decision

Site visit made on 12 May 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 June 2021

Costs application in relation to Appeal Ref: APP/D1265/W/21/3266326 Land to Rear of Clare Cottage, High Street, Yetminster, Sherborne, Dorset DT9 6LF

- 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 M Matson of E-Build House Ltd for a full award of costs against Dorset Council.
 - The appeal was against the refusal of planning permission for one dwellinghouse.
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Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to directly incur unnecessary expense in the appeal process.
3. The applicant asserts that the Council has not substantiated either reason for refusal, and in doing so has made inconsistent, vague, generalised and inaccurate assertions which are unsupported by objective analysis. This relates in particular to the position that the use of the access would be harmful to Clare Cottage. The Council has misinterpreted the content of the previous appeal decision at the site, and in doing so persisted in objections to the scheme which an Inspector has previously indicated to be acceptable. The Council failed to meet the government's planning guarantee.
4. Whilst there was a degree of dialogue between the applicant and the Council, it appears to me that the Council's advice was caveated in that it was beholden to sign off from the Conservation Officer, which was ultimately not forthcoming. Whilst the Council has not offered a reasonable explanation for the significant delay in offering responses to the applicant during these discussions, which led to a failure to meet the government's planning guarantee, I see no reason why this matter caused unnecessary expense in the appeal process.
5. The Council has consistently identified the contribution of the access and track to the CA and the setting of the Cottages, in addition to its confined space. It has not, however, properly explained how or why these attributes mean that its use in association with the proposed dwelling would be harmful. However, this was one part of the Council's case about the overall effects of the scheme on the character and appearance of the historic environment, which was otherwise adequately substantiated. These issues were dealt with by the applicant within

the body of their appeal submission. This matter has not, therefore directly led to tangible unnecessary costs within the appeal process.

6. With regard to the previous appeal decision at the site, I have found that its age and changed policy context has reduced the adherence to its reasoning that that one would expect from stakeholders in the planning process. As such, the Council's interpretation of the appeal decision has not been unreasonable.
7. Drawing my findings together, unreasonable behaviour directly resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. An award of costs is not justified.

Matthew Jones

INSPECTOR