
Costs Decision

Site visit made on 9 June 2021

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2021

**Costs application in relation to Appeal Ref: APP/D1265/D/21/3271448
80 Woodlinken Drive, Verwood, Dorset BH31 6BW**

- 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 Cawte for a partial award of costs against Dorset Council.
 - The appeal was against the refusal of the Council to grant planning permission for a single storey rear extension, first floor side extension including alterations to remodel the existing dwelling.
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Decision

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

Reasons

2. Planning Practice Guidance advises that costs may be awarded where a party has acted unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The application for costs relies to a substantial extent on the fact that the Council cited the proposed cladding as one of the reasons for refusal and that, instead of refusing, the Council should have used a condition requiring the submission of details or samples to be agreed as a way of overcoming their objection.
4. Whilst I agree that this could have overcome part of the Council's concerns, it did not form a reason for refusal in its own right. The Council considered that the cladding added weight to their concerns about the development as a whole.
5. Attaching a condition with regard to the cladding would not have overcome the substantive part of their concerns in the first reason for refusal regarding the scale, design and bulk of the first floor extension and an appeal would still have been necessary.
6. Accordingly, I do not find that the Council failed to attach a condition which would have made the development acceptable and would have avoided the need for an appeal.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been

demonstrated. For this reason and having regard to all matters raised, an award of costs is therefore not justified.

Alison Fish

INSPECTOR