The Planning Inspectorate

Costs Decision

Site visit made on 2 July 2021

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Costs application in relation to Appeal Ref: APP/V1260/D/21/3275111
Grove Farm, 26 Stour Way, Christchurch BH23 2PG

- 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 Simon Dunsby for a full award of costs against Bournemouth Christchurch and Poole Council.
- The appeal was against the refusal of planning permission for the demolition of existing semi-derelict barn and replacement with new timber framed ancillary accommodation.

Decision

1. The application for an award of costs 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 incur unnecessary or wasted expense in the appeal process.

3. The Applicant has put it to me that there was unreasonable behaviour by the Council in relation to the identification of non-designated heritage assets, which resulted in the Appellant having to incur unnecessary or wasted expense in the appeal process.

4. As noted in the appeal decision, paragraph 190 of the National Planning Policy Framework (the Framework) requires that local planning authorities identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Further, although the Framework and PPG advise that it is important that all non-designated heritage assets are clearly identified as such, the PPG also advises that the local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications.

5. The Framework is clear that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The fact that a building is identified as a non-designated heritage asset does not necessarily prevent its development.

6. With regards to the appeal building and site, it is clear from the Council Officer's report that, as part of the planning application, the Council's Design

and Heritage team were consulted and, given the buildings age, rarity, aesthetic interest and historical association, it was determined that the building would constitute a non-designated heritage asset. Furthermore, the Council's decision notice clearly explains what the Local Planning Authority considers to be the harm arising from the proposal in terms of impact on the significance of the non-designated heritage asset.

7. It will be seen from the appeal decision that, whilst I have found that the proposal would not have any harmful effect with regards to the setting or significance of the nearby Grade II Listed Building at Abbotswood, I concur with the Council that the appeal building can properly be considered to be a non-designated heritage asset. Whilst I have found that the appeal building has only limited significance, in accordance with the provisions of the PPG and the Framework, it has a degree of significance that merits consideration in the planning application process.

8. Consequently, I find that the Council did not act unreasonably in terms of the identification of the appeal building as a non-designated heritage asset. Accordingly, it is not necessary to consider the matter of whether or not there has been unnecessary or wasted expense in the appeal process.

9. In conclusion, I find that the unreasonable behaviour resulting in unnecessary or wasted expense, as described within the PPG, has not been demonstrated in this case and that, therefore, an award of costs is not justified.

Mr A Spencer-Peet

INSPECTOR