
Costs Decision

Site visit made on 5 July 2021

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Costs application in relation to Appeal Ref: APP/V1260/W/21/3270730 Merley Court Touring Park, Merley House Lane, Poole, BH21 3AA

- 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 Shorefield Holidays Ltd for a full award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission for the Change of Use of Land for the Stationing of 99 Static Lodge Caravans for Permanent Residential Occupation.
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Decision

1. The application for 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. The PPG provides that Local Planning Authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, or by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
3. The applicant has made the argument that the proposals are appropriate development in the Green Belt, and therefore should not have been dismissed on this basis. In this case the proposal is for a material change in the use of land. However, paragraph 150 also states that this only applies where the change of use would preserve the site openness and does not conflict with the purposes of including land within it. With the positioning of up to 99 static caravans I have concluded that there would be an impact to the site openness and so is 'inappropriate development' in the Green Belt.
4. The Council have made an argument relating to increased intensity as a result of the proposed homes. Whilst I do not consider that this intensification of use of the site would have an impact to the Green Belt openness, the Council have explained their reasoning sufficiently and I do not consider that they were unreasonable to make this argument.
5. With regards the highway issue, as can be seen from the appeal decision I have concluded that the lack of pedestrian safety is a significant issue, even taking into consideration the fallback position of the tourism use static

caravans, for example. To my mind, Merley Park Lane does not have sufficient provision for pedestrians through lack of footways for example, although this would serve as the main access to the site for 99 new homes. As such, the Council were not unreasonable in making this argument against the proposal.

6. For the tourism issue, I have found that on balance the proposal would not result in a harmful loss of tourism accommodation that would undermine the provision needed to serve the Poole area. However, the Council were reasonable in setting out that the policy requirements were not fully met by the proposal submission in regard to justification based on viability, for example. I understand that the Planning Committee have come to a different decision to that advised by the officer report or the tourism officer, but that is the right of the Committee. Whilst I have come to a different view, I do not regard the Planning Committee as unreasonable to come to the decision they did on this issue.
7. It is clear that the Council were aware of the housing supply situation and I believe that the Planning Committee did take this into consideration with their decision. The Council statement also acknowledges this but questions the sustainability of the proposed homes.
8. Overall, I find that there has not been unreasonable behaviour by the Council which has caused unnecessary expense in this instance, and the application for costs is refused.

Mr S Rennie

INSPECTOR