



Costs Decision

Site visit made on 8 September 2021

by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date:

Costs application in relation to Appeal Ref: APP/D1265/W/20/3264335 South Park, Park Homer Road, Colehill BH21 2SP

- 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 K Gould for full award of costs against Dorset Council.
 - The appeal was against the refusal of planning permission for construction of one dwelling house with detached garage and new access revised proposal to that approved under application 03/1626 as amended by plans received 16.07.2004 at Windrush Park Homer Road Colehill Wimborne Dorset without complying with a condition attached to planning permission Ref 3/04/0973/FUL, dated 23 August 2004.
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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 an appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant asserts that the Council's officer report was unreasonable in several respects, particularly the way in which it engaged with the 21m 'rule of thumb' and the weight it attributed to the circumstances of the case.
4. The officer report recognises a 21m rule of thumb conceptually, accepts that a greater distance is involved here, but explains why, in this case, the level of overlooking was deemed unacceptable. In doing so, it accepts the secondary status of the bedroom served by the Dormers. Issues of screening and land levels are also clearly referenced. The weight the Council attributed to these considerations is a matter of planning judgment and the Council engaged its judgment in a manner which is adequately reasoned by the officer report.
5. It is clear from the officer report that the Council did not just assume that unacceptable overlooking would be created because of the mere presence of the disputed condition, but instead undertook a proper assessment of the condition's necessity. The assessment included a site visit and was not only based on photographs submitted by an interested party. It is logical that issues of data protection preclude the routine disclosure of site visit photographs.
6. I therefore find that unreasonable behaviour 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