
Costs Decisions

Site visit made on 21 February 2022

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2022

Costs application in relation to Appeal A Ref: APP/D1265/W/21/3283675 Okerswood Cottage, Okerswood, Affpuddle, Dorchester, Dorset, DT2 8QZ.

- 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 Paul Watters for a full award of costs against Dorset Council.
 - The appeal was against the refusal of planning permission for a ground floor rear extension to form a sun room.
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Costs application in relation to Appeal B Ref: APP/D1265/Y/21/3283677 Okerswood Cottage, Okerswood, Affpuddle, Dorchester, Dorset, DT2 8QZ.

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Paul Watters for a full award of costs against Dorset Council.
 - The appeal was against the refusal of listed building consent for a ground floor rear extension to form a sun room.
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Decisions

1. The applications are refused.

Reasons

2. Planning Practice Guidance advises that parties in planning appeals normally meet their own expenses. However, costs may be awarded against a party who has behaved unreasonably and thereby directly caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The above Guidance also states that costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding. Behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
4. I note the applicant's criticisms over the time taken to determine the appeal applications and the professional input into these applications by the Council's officers. Whilst these are not primarily matters for my attention, the applications were submitted during the middle of a pandemic and when very many employees, including those employed by local authorities, were working under very different and difficult circumstances to the norm.
5. The Council's officers were properly mindful of the statutory duty regarding development/works to a listed building. The officer's report also sets out the planning history of the site and includes the views of the Conservation Officer.

6. Some informal opinions were expressed to the applicant by a Member of the Council. However, these are not binding upon the Council and appear to relate to matters that were considered by the former Purbeck District Council. There is no cogent evidence to demonstrate that the Council acted unreasonably when considering the applications or, in the circumstances, unreasonably delayed its decisions.
7. Although I have found differently to the Council on the planning merits of the cases, the Council did not act unreasonably by taking the decisions that it did. It is a matter of planning judgement as to the likely impact of the proposals upon the applicant's listed dwelling. The Council's decisions, with input from its specialist officer, took into account all relevant matters and it was entitled to reach the view that it did. Having done so, the Council was also entitled to conclude that engaging the applicant in design amendments would be very unlikely to achieve a satisfactory outcome.
8. There is nothing of substance to support the arguments that the Council behaved unreasonably and caused the applicant to incur unnecessary or wasted expense. I therefore conclude that neither application should succeed.

Neil Pope

Inspector