
Costs Decision

Site visit made on 17 November 2021

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2022

Costs application in relation to Appeal Ref: APP/V1260/D/21/3278966 82 Hengistbury Road, BOURNEMOUTH, BH6 4DJ

- 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 Bournemouth Christchurch and Poole Council for a full award of costs against Mr & Mrs M Ashby.
 - The appeal was against the refusal of the Council to grant planning permission for alterations and extensions to dwelling.
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Decision

1. The application for an award of 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.
3. The PPG also sets out that appellants are required to behave reasonably in relation to procedural matters on the appeal, for example by complying with the requirements and deadlines of the appeals process. Examples of unreasonable behaviour which may result in an award of costs include resistance to, or lack of co-operation with the other party or parties in providing information, discussing the application or appeal, or delays in providing information or other failure to adhere to deadlines.
4. The Council maintain that the delay in the determination of the original application was due to the applicant's failure to provide an accurate plan identifying the development site and land under the ownership of the applicant. Whilst I accept that these issues may have caused some level of additional work for the Council, and indeed delayed the determination of the application, the evidence before me does not clearly identify how the applicant behaved unreasonably as opposed to simply making an error which was later rectified. Furthermore, based on the evidence before me, I do not consider that the aforementioned error or delay resulted in tangible unnecessary or wasted expense so as to warrant an award of costs.
5. The Council also suggest that the appellant's own costs application is based on untruths and constitutes an attempt to discredit the reputation of the Council. The Council hold that unnecessary time and resources have been expended in resolving issues and responding to the appellant's costs claim. Though, as set out in my decision regarding the appellant's costs application, I have reached a

different view to the appellant in respect of their costs application it is, in my view, not unacceptable for them to have set out their interpretation of the facts and to seek an award of costs where they consider it warranted.

6. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

L J O'Brien

INSPECTOR