The Planning Inspectorate

Costs Decision

Site visit made on 17 May 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2022

Costs application in relation to Appeal Ref: APP/V1260/D/22/3296249
5 Links Road, Poole, BH14 9QP

- 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 & Mrs Payne for a full award of costs against BCP Council.
- The appeal was against the refusal of planning permission for alterations, extensions and remodel of existing dwelling.

Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the 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 appellants application for costs raises a substantive point. The PPG states that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate its reasons for refusal.

4. The appellant contends that the local planning authority were not in a position to reach the decision they did and prevented development which should have been permitted. Whilst I have found the appeal proposal to be acceptable, that finding was based on the evidence presented by the local planning authority, the policies of the development plan and the National Planning Policy Framework, and my own observations on site.

5. In relation to the local planning authorities' submissions, I am satisfied that its reason for refusal was reasonably precise in terms of identifying the harm that they alleged, as well as the policy of the development plan that the Council considered the proposal conflicted with. This reason for refusal was supported by the assessment set out in the Council's Delegated Report and whilst I accept that the latter was brief, it was sufficient for me to understand the concerns raised by the Council.

6. As I observed on my site visit, the character and appearance of the area is varied, but there are groups of properties that are similar in terms of their scale, form, layout and style. Whilst there are also examples of modern flat roofed developments, a number of those that my attention was drawn to were located in roads some distance from the appeal site and therefore did not form part of its local context. In relation to the examples of flat roofed

developments within Links Road, they were, as is often the case, not exactly comparable to the appeal scheme in that they differed in terms of their relationship to adjoining properties, plot sizes, siting, landscape setting and visual impact.

7. Whilst I understand the point the appellant was seeking to make by reference to these examples, the fact that modern flat roofed developments had been permitted by the Council within the surrounding area is not justification in itself for approving similar development elsewhere and does not override the need to assess each case on its merits with particular regard to the individual circumstances of the case and its local context. Moreover, any such assessment requires the decision maker to apply an element of their own planning judgement as to the acceptability of the relationships that would arise and the visual impact of the proposal on the streetscene.

8. I am satisfied, therefore, that the Council's reason for refusal was not vague or unreasonable, and that the evidence submitted, on balance, substantiated the Council's objection in this respect.

9. For the above reasons, I cannot agree that the Council has acted unreasonably in this case and as such there can be no question that the appellant was put to unnecessary or wasted expense in the appeal.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is therefore not justified.

G Roberts

INSPECTOR