



Costs Decision

Site visit made on 22 April 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 30 May 2022

Costs application in relation to Appeal Ref: APP/ V1260/W/21/3288243 127 Alexandra Road, Poole BH14 9EW

- 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 Beechvale Construction for a full award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against a refusal of planning permission for the severance of existing plot, demolition of existing garage and erection of dwelling with associated landscaping and parking.
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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. It goes on to state 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. In this instance, the applicant alleges that the Council has not determined similar cases in a consistent manner. It also argues that the Council was unreasonable in refusing the application given its current inability to demonstrate a five-year supply of deliverable housing land or comply with the Housing Delivery Test.
3. The applicant has cited several examples of consented development within the wider locality of the appeal site, which it contends is similar to its proposal. On this basis, the applicant argues that the Council should have granted planning permission for the proposed development.
4. Whilst each case must be assessed on its own merits, even so, I am not persuaded that any of the examples cited by the applicant are directly comparable to the development proposed. I have set this out in my appeal decision. As such, none of these examples would constitute a precedent that would reasonably justify the development in this instance.
5. Where the tilted balance is engaged, the National Planning Policy Framework (2021) is clear that housing development should not be permitted in circumstances where the adverse impacts of the development would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework as a whole. Again, I have set out my conclusions on this in the appeal decision.

6. Consequently, and irrespective of whether the Council's reasoning was set out explicitly, its overall conclusion regarding the proposal was both justified and reasonable.
7. For these reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated in this instance.

James Blackwell

INSPECTOR