



Costs Decision

Site visit made on 10 May 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2022

Costs application in relation to Appeal Ref: APP/D1265/D/21/3283351 14 The Flats, Organford Road, Holton Heath BH16 6JY

- 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 Lydia Brown for a full award of costs against Dorset Council.
 - The appeal was against the refusal of planning permission for a proposed development described on the application form as, "Rear extension and addition of second storey and remodel throughout".
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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. In their Officer's Report, the Council referred to a range of factors to support their overall conclusion, including the separation distances between the adjacent flats and the appeal property, and the existing situation in relation to levels of outlook and light experienced at those flats. Additionally, in their report the Council made an assessment of the potential effect of the addition of a first-floor level with a pitched roof at the appeal property on the living conditions of the occupiers of those flats. As such, although in my appeal decision I did not agree with every conclusion made by the Council, I do consider that the Council provided adequate evidence to justify all their conclusions.
4. As explained fully in my appeal decision, whilst I did not agree with every specific assessment made by the Council, overall I found that the proposal would conflict with the development plan. Therefore, the Council were correct to refuse planning permission for the proposal. Hence, no unnecessary or wasted expense has occurred and an appeal would have been the next route to seek resolution.
5. Similarly, whilst the Council's refusal of planning permission has enabled the applicant to exercise their right of appeal, and so in doing a Chartered Town Planner has been employed in this regard, causing additional costs to the applicant, as the Council were correct to refuse planning permission for the proposal no unreasonable behaviour has occurred on the part of the Council and no unnecessary or wasted expense has occurred.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, I determine that the costs application should fail, and no award is made.

Alexander O'Doherty

INSPECTOR