
Costs Decision

Site visit made on 14 September 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2022

Costs application in relation to Appeal Ref: APP/V1260/W/21/3288280 Land north of Eco Composting Ltd, Chapel Lane, Christchurch BH23 6BG

- 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 Hugh Dampney of Dampneys Ltd for a full award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission for use of land for storage and parking ancillary to adjacent Solar Park and ECO Centre and erection of fence and entrance gates.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may be awarded where a party has acted unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellant's case for an award of costs relies to a substantial extent on the time taken by the Council to determine the application, that it did not request additional information during that period, it delayed development which in the appellants view should clearly have been permitted and have not produced evidence to substantiate the reason for refusal.
4. No comments on the appellant's costs application have been received from the Council.
5. I accept that the appellant may have encountered delay in the determination of the application and that there was sufficient time before the determination of the application for the Council to request the additional information they sought. However, I have no substantive evidence before me that the appellant incurred any additional expense at appeal stage as a result of this delay.
6. The reason for refusal is substantiated by the Council in its Officers Report together with the additional letter dated 3 May 2022. In dismissing the appeal, I have found that the Council had reasonable concerns about the impact of the proposal which justified its decision and that the Council's case for refusal was well-founded. I therefore do not share the view of the appellant that the Council delayed development which should clearly have been permitted.

7. On the basis of the evidence before me, I find that an appeal could not have been avoided.
8. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is therefore not justified.

Alison Fish

INSPECTOR