



Costs Decision

Site visit made on 3 October 2022

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2022

Costs application in relation to Appeal Refs: APP/V1260/C/22/3296296, APP/V1260/C/22/3296297

The land and premises to the rear of 140-142 Lake Road, Poole BH15 4LW

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Aleck Tidmarsh of Barnstaple Boat Co Ltd and Mrs Christine McCarthy for a full award of costs against Bournemouth, Christchurch and Poole Council.
 - The appeal was against an enforcement notice alleging the erection of a building without planning permission.
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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 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 appellants request their appeal costs. The thrust of their argument is largely based upon their assertions contained in their statements and that they consider the issuing of the notice to be vexatious.
4. However, I found the appellants had not demonstrated on the balance of probabilities that the breach of planning control alleged had not occurred as a matter of fact or that there had not been a breach of planning control. I also found the development harmful to the character and appearance of the area, having particular regard to the roof.
5. The Council therefore took enforcement action against a breach of planning control. Whilst the parties may have had different views, I am not persuaded on the evidence before me that the Council made manifestly inaccurate or untrue statements or that the issuing of the notice was vexatious.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Paul T Hocking

INSPECTOR