
Costs Decision

Site visit made on 5 September 2022

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2022

Costs application in relation to Appeal Ref: APP/V1260/W/22/3298625 37 Southbourne Coast Road, Bournemouth BH6 4DA

- 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 Moss for a full award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission for the demolition of existing bungalow and erection of a replacement dwellinghouse.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only 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 this case, the appellant argues that the Council acted unreasonably in failing to consider the application in a timely and professional manner and failing to determine the application in a consistent manner having regard to similar proposals nearby which were approved either by the Council or on appeal.
4. Dealing with the first issue, the application was submitted on 2 March 2021 and determined on 4 May 2022. Whilst a considerable period of time, negotiations took place in this period with an email from the Council dated August 2021, the submission of amended plans, then more discussion and submission of further amended plans dated October 2021. The Council indicated these would be refused on 23 February 2022. Whilst the two-month delay in issuing the decision notice was regrettable, the appellant could have appealed against non-determination. Indeed, such an appeal was available much earlier instead of the appellant taking the decision to negotiate and submit amended plans in the hope of a permission. The fact that negotiation was unsuccessful was no doubt frustrating but the overall delay was primarily the result of that decision, rather than unreasonable behaviour on behalf of the Council.
5. Whilst the appellant seeks to draw similarities with two other proposals in the vicinity, 12 Stevenson Road and 5 Southbourne Coast Road, these relate to two-storey houses in a different setting. 48 Harbour Road and 116 Wick Lane lie well away from the sea front. In this case the proposal would be seen as part of the frontage of about ten chalet bungalows between the junctions with

Stevenson Road and Dalmeny Road. None of the other schemes referred to by the appellant are therefore fully comparable to the appeal proposal.

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

David Reed

INSPECTOR