
Costs Decision

Site visit made on 3 October 2022

by Mr S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2022

Costs application in relation to Appeal Ref: APP/V1260/W/21/3285388 9 Tower Road, BOURNEMOUTH, BH1 4LA

- 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 9 Tower Road Limited for a full award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for alterations and extensions to include formation of new 2nd floor level and conversion to an 8 bedroom HMO (House in Multiple Occupation) (Sui Generis).
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Decision

1. The application for 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. The PPG provides 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, for example, or by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
3. The applicant sets out the reasons for the costs application, including due to the delay and the lack of any Council decision within the statutory timeframe.
4. The Council has submitted a detailed Statement for the appeal. It sets out several reasons why they would have recommended dismissal of the appeal. It is clear that the Council are aware of the housing land supply position and the need for a boost to housing numbers. However, they consider that the harm would significantly and demonstrably outweigh the benefits.
5. The Council have also set out why they consider the 8-unit HMO as harmful when there was an appeal allowed for 7-bedroom HMO at the site. This is to do with the size of the overall building as now proposed, for example.
6. I have found that the Council have clearly and precisely set out their concerns with the proposal and why they would seek for the appeal to be dismissed. It is unfortunate if there was a lack of dialogue over the course of the planning

application timeframe, but with the extent of reasons why the Council would object to the proposal it is likely that any such dialogue would not have avoided the need for the appeal and the associated costs to the parties.

7. Therefore, for the reasons set out above, I find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

Mr S Rennie

INSPECTOR