



Costs Decision

Site visit made on 21 February 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2023

Costs application in relation to Appeal Ref: APP/D1265/W/22/3299693 Land Rear of 5 High Street, Wimborne Minster BH21 1HR

- The appeal 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 O Urel for a full award of costs against Dorset Council.
 - The appeal was against the development proposed described as "extend existing single storey building and change use to that of hand car wash facility."
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG), at paragraph 030, 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 applicant states that the appeal was unnecessary as the proposed development complies with the development plan, that the Council has not given weight to the advice provided by its officers and that undue weight was attributed to other considerations.
4. I appreciate that the outcome of the planning application will have been a disappointment to the applicant, particularly given the positive content of pre-application discussions and a recommendation for approval by the planning officer. However, the Council is not duty bound to follow the advice of its professional officers, or other consultees, in making its decision, so long as a case has been made for the contrary view.
5. Having regard to all the evidence before me, I have similar concerns as the Council in relation to highway safety given the existing layout and arrangement of the HSCP, its vehicular access and the arrangement of the proposed development. I have not been persuaded that planning conditions would address these concerns.
6. I do not concur with the Council in respect of the vitality and viability of the town centre, or the effect of the proposed development on the character and appearance of the Wimborne Minster Conservation Area and the nearby listed buildings, in terms of their setting. However, such decisions are a matter of planning judgement. Regardless, there are sufficient grounds for refusing planning permission related to the harm to highway safety alone, irrespective of any analysis as to the weight attributed to particular scenarios by the Council.

7. Accordingly, I do not conclude that the Council failed to give weight to the advice provided by its officers, nor that undue weight has been attributed to certain circumstances. I have found that, in respect of highway safety, the Council had reasonable concerns about the effect of the proposed development and justified its decision. The appeal, therefore, could not have been avoided.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Juliet Rogers

INSPECTOR