



Costs Decision

Site visit made on 22 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/V1260/W/22/3291070 4 Burton Road, Poole BH13 6DU

- 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 C Wilson for a full award of costs against Bournemouth Christchurch and Poole Council.
- The development proposed is the partial demolition of the garage, erect new side elevation walling, sever land and erect 2 detached houses with associated car parking.

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 considers that the Council acted unreasonably in their failure to make a decision on the appeal application within the prescribed period. As a result, the applicant contends that as they had no choice but to submit an appeal, unnecessary costs have been incurred.
4. Whilst I appreciate that the timing of the receipt of the Council's Urban Design and Conservation Officer's (UDCO) comments will have been frustrating to the applicant, the Planning Officer's correspondence¹ confirms that these comments were required for the Council to make its decision. Moreover, as the comments were received prior to the target date and issued to the applicant promptly, I do not consider this to be unreasonable behaviour. Irrespective of the UDCO's arboricultural qualifications, extensive justification has been provided relating to the effect of the proposed development on the character and appearance of the area, including the Branksome Park Conservation Area.
5. Although I recognise the attempts made by the applicant to take full account of the Inspector's commentary on a previous appeal, as can be seen from my decision letter, I have concerns regarding the effect of the proposed development on the character and appearance of the area.
6. I also acknowledge that the departure of the Planning Officer handling the appeal application from the Council is similarly vexing. Despite this, the correspondence between the Council and the applicant demonstrates that the

¹ Email dated 22 December 2021 11:04 from Mark Berry, Planning Consultant at the Council to Darryl Howells, agent for Mr C Wilson

applicant was fully aware of the circumstances regarding the determination of the planning application and, furthermore did not respond to an email from the Council proposing an extension to the determination period². Therefore, it was the applicant's choice to submit the appeal.

7. Accordingly, I do not conclude that the Council acted unreasonably by awaiting receipt of comments from the UDCO prior to issuing its decision. The Council has confirmed that, had it made a decision, it would have refused the appeal application and I have found that the Council had reasonable concerns about the effect of the proposed development. Consequently, the appeal 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

² Email dated 22 December 2011 17:53 from Nicholas Perrins, Head of Planning at the Council to Darryl Howells, agent for Mr C Wilson