



Costs Decision

by **P N Jarratt BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Costs application in relation to Appeal Ref: APP/D1265/C/22/3296499 The Croft, Burts Lane, Mannington, Wimborne, Dorset, BH21 7JX

- 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 A Revel for a full award of costs against Dorset Council.
 - The appeal was against the issue of an enforcement notice alleging a new detached dwelling with triple carport and adjacent hardstanding.
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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 the party who has behaved unreasonably and therefore caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. There is a repeated thread in the appellant's submissions of implying misdeeds on the part of the Council and an intention of causing mischief and financial harm to the appellant shortly after application 3/21//1245/FUL was refused. The appellant alleges that the Council has deliberately and maliciously applied incorrect and misleading wording to the Planning Contravention Notice (PCN) and to the enforcement notice. The Council failed to determine a retrospective application (the subject of appeal ref APP/D1265/W/22/3301750) for the retention of the stables or to keep the appellant updated during the planning process. The appellant considers this behaviour to be totally unreasonable and resulted in financial loss in having to go to appeal.
4. It is alleged that the wording of the PCN incorrectly described the development as an unauthorised dwelling and detached carport, which meant that the appellant was unable to respond accurately and honestly to the questions. However, the Council worded the PCN and subsequent enforcement notice on the basis of what they observed on site following a complaint and there is absolutely nothing unreasonable in this approach. I find the approach taken by the appellant claiming that the unauthorised building to be stables does nothing more than muddy the water and be unhelpful. I have no doubt that the appellant knew exactly why the Council chose to investigate and pursue the complaint and it is a spurious argument to claim no new dwelling was created.
5. The Council were satisfied that it was expedient to take enforcement action following the refusal of application 3/21//1245/FUL having regard to the provisions of the development plan and other material planning considerations.

The Council followed National Planning Practice Guidance in considering the matter. This does not demonstrate unreasonable behaviour.

6. The appellant alleges that the Council failed to engage in constructive discussion but the Council advises that the appellant failed to engage with the Council through its paid pre-application service.
7. The Council acknowledges that there are errors in paragraph 1.3 of their statement and the wrong description was used on the initial notification letters. However, the letters were corrected and re-sent. Whilst typographical or other minor errors have been noted, and although these are regrettable, they do not represent unreasonableness, only carelessness.
8. The Council failed to determine the application subject to appeal ref APP/D1265/W/22/3301750. In response the Council acknowledge the situation as being brought about by historic delays at validation and the agent and appellant were informed of this at the time. Whilst this level of service is clearly unsatisfactory in any local planning authority, the appellant exercised his right to appeal against non-determination in June 2022, which was a remedy open to him.
9. The appellant raises a number of other criticisms of the Council included being heavy handed by dealing with the case as a 'new dwelling' in the Green Belt, rather than as a temporary occupation of a stable by an elderly couple.
10. I am satisfied that the Council has exercised its enforcement powers in accordance with the law, national and local planning policy, and through national guidance, in taking action against an unauthorised development in the Green Belt, which the facts show is a dwelling and not a stable.

Conclusion

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

P N Jarratt

INSPECTOR