
Costs Decision

Site visit made on 28 March 2023

by C Rose BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th May 2023

Costs application in relation to Appeal Ref: APP/D1265/W/22/3311619 71 Burnbake Road, Verwood, Dorset BH31 6ES

- 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 Dorset Development J and R Limited for a full award of costs against Dorset Council.
 - The appeal was against the refusal of planning permission to Erect 4no 4 bedroom detached houses with integral garages and associated parking and access.
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Decision

1. The application for an award of 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.
3. The applicant considers that the Council acted unreasonably by using poor and biased evidence collection to inform the decision, by carrying out an uninformed assessment of the character of the area and context of the site, and through a confused case officer report with incorrect references. Costs in this instance are being applied for on procedural and substantive grounds.
4. In response, the Council disagree that they have acted unreasonable as they have adhered to planning policy and concluded that the proposal is contrary to Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy.
5. The applicant may disagree with the Council's assessment and decision. However, this does not mean that the Council acted unreasonably in refusing planning permission. The appeal provided an opportunity for the applicant to test the position and explain their case. In my view the Council's Officer Report details and substantiates the alleged harm from the proposal using local comparisons and sets out a reason for refusal based on conflict with the development plan. I have similarly found that the appeal proposal would have a harmful effect on the character and appearance of the area contrary to the development plan.

6. The Council produced evidence to support their decision in relation to the effect of the proposal upon living conditions of neighbouring and future occupiers. Although I have found in the applicant's favour in my main Decision in relation to this matter, it was not unreasonable for the Council to reach a different view.
7. In light of the above, I do not find that the Council acted unreasonably through their evidence collection and use. The Council made an informed assessment of the area through a report that adequately justified their concerns regarding the effect on the character and appearance of the area and potential impact from the proposal upon the living conditions of existing and future occupiers.
8. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
9. The application for an award of costs must therefore fail.

C Rose

INSPECTOR