The Planning Inspectorate

Costs Decision

Site visit made on 18 May 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2023

Costs application in relation to Appeal Ref: APP/V1260/D/22/3309706
2 Watermead, 23 Willow Way, Christchurch BH23 1JJ

- 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 K Slater for a full award of costs against Bournemouth, Christchurch and Poole Council.
- The appeal was against the refusal of planning permission for a first floor extension.

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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. Unreasonable behaviour can be considered as either substantive or procedural in nature.

3. The applicant considers that the Council behaved unreasonably by making a 'wildly inconsistent' decision against professional officer advice. The applicant also states that the Council failed to provide evidence to substantiate each reason for refusal on appeal.

4. In response, the Council has correctly identified that a Planning Committee decision which goes against officer advice is not a reason to give an award of costs, in itself, as the Committee were entitled to come to their own conclusions on the merits of the proposal.

5. Despite the use of the terms 'immediate locality' and 'Watermead development', it is clear from both the meeting minutes and the decision notice that the appeal was refused on character and appearance grounds in respect to its surroundings as well as its impact upon neighbouring occupants.

6. The effect of the development proposal on the character and appearance of the area and the neighbouring occupants was a matter of planning judgement. The Council state that members familiarise themselves with sites and the officer report before committee meetings to make informed decisions on planning applications. There are no reasons before me to disagree with this.

7. The reasons for the refusal set out in the Council's decision notice are complete, specific and relevant to the application. It also clearly states the policies of the Development Plan. There is also limited evidence before me to

suggest that the reasons for refusal are directed more to the dwelling already built or influenced by any covenant(s).

8. The applicant also suggests there are incorrect references to the applicant and supporters of the original application within the meeting minutes. The applicant, however, does not expand on where these incorrect references are or how these incorrect references have directly caused the applicant to incur unnecessary or wasted expense in the appeal process beyond what I have set out above.

9. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme. While I ultimately disagreed on some grounds, overall, I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision.

Conclusion

10. As a result, having considered the above, I conclude that unreasonable behaviour by the Council, as described in the Guidance, has not been clearly demonstrated. Therefore, unnecessary or wasted expense has not been incurred by the applicant. Consequently, the application for an award of costs is refused.

N Praine

INSPECTOR