



## Costs Decision

Hearing Held on 18 April 2023

Site visit made on 18 April 2023

**by Matthew Jones BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 June 2023**

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### **Costs application in relation to Appeal Ref: APP/D1265/W/22/3311383 Heatherfield Stables, Redbridge Road, Crossways DT2 8DY**

- 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 Council for a full award of costs against Miss Ena Tuck.
  - The hearing was in connection with an appeal against the refusal of an application for planning permission for temporary siting of a cabin for five years.
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### **Decision**

1. The application is refused.

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that, irrespective of an appeal's outcome, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. The Council contends that the appellant has behaved unreasonably in bringing the appeal, given the planning history at the site. The appeal has no substantive merit, and the appellant has failed to advance any evidence whatsoever in response to the nitrates issue.
3. In my view the current circumstances are materially different to that in relation to the previous appeal decisions for several reasons. One is the advanced stage of preparation of the Purbeck Local Plan and the lack of significant objection to Policy H4. For this reason alone, it was reasonable for the appellant to put the question of residential development of the appeal site back to the Council.
4. Whilst there is no strategic solution to the phosphates issue, the appellant did offer a possible on-site remedy in relation to a condition restricting discharge of the appellant's septic tank. As such, it cannot be held that no evidence on this matter was forthcoming. Furthermore, the appellant cannot be criticised for undertaking their right to appeal, given that the nitrates issue may have conceivably been resolved during the appeal process. I am aware that the Council has offered extensions of time in relation to planning applications elsewhere on a similar footing, but that avenue was not open to the appellant.
5. Consequently, the appellant's conduct does not constitute unreasonable behaviour that has resulted in unnecessary or wasted expense in the appeal process, as described in the PPG. An award of costs is therefore not justified.

*Matthew Jones*

INSPECTOR