



Costs Decision

Site visit made on 27 June 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Costs application in relation to Appeal Ref: APP/V1260/W/23/3315832 320 West Way, Broadstone BH18 9LF

- 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 Mr & Mrs T & C Mo for a full award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the refusal of the Council to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for additional storey to a bungalow. See dwg nos: 22.57.1, 22.57.2, 22.57.3, 22.57.4.
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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. Examples of unreasonable behaviour include vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis, or not determining similar cases in a consistent manner.
3. The applicant states that the costs decision is submitted on the grounds that the proposed development meets the tests set out in Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). However, prior approval under Class AA is subject to certain conditions, which at paragraph AA.2(3)(a)(ii) include the external appearance of the dwellinghouse. In its decision, the Council found that the development would not be acceptable in relation to the effect on the external appearance of the dwellinghouse and on the wider area. That involves an element of planning judgement, based on the circumstances of the site.
4. In assessing the proposal, the Council's officer report and appeal statement clearly set out an accurate, proportionally detailed and objective analysis as to why the development would not meet the terms of the GPDO in these respects. Therefore, I find there is no procedural or substantive ground that demonstrates unreasonable behaviour on behalf of the Council in this respect.
5. Although the applicant asserts there is no evidence of harm to the character of West Way, I have dismissed the appeal based on the impact of the proposal on the character and appearance of the dwellinghouse and the wider area. That is,

however based on my assessment of the details of the scheme before me and the circumstances of the site.

6. As set out in my main decision, the site specific circumstances surrounding the prior approval decision at No 268 West Way are materially different to this appeal scheme. Therefore, I am satisfied that no unreasonable behaviour has taken place in terms of inconsistency.
7. I therefore do not find that the Council has shown unreasonable behaviour resulting in unnecessary or wasted expense and a full award of costs is not, therefore, warranted.

J Hills

INSPECTOR