



Costs Decision

Site visit made on 25 July 2023

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2023

Costs application in relation to Appeal Ref: APP/V1260/W/22/3304269 49 York Road, Poole, Dorset, BH18 8EW

- 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 Darren Guest-Williams for a partial award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission to demolish existing double garage, sever the plot and erect a new chalet bungalow.
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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.
3. The applicant has not indicated whether they have sought a full or partial award for Costs. As the Council's refusal reasons relating to the effect on Special Protection Areas are not being challenged, it is reasonable to assume that a partial award of Costs is being sought in this case.
4. The application essentially relies on the fact the Council has failed to consider other material considerations, including subsequent planning decisions and revised parking layouts. In addition, it is claimed that the Council's case is not supported by any objective analysis or evidence. This, in the appellant's view, amounts to unreasonable behaviour and resulted in unnecessary and wasted expense being incurred.
5. The Council's case was supported by the advice of its Highways advisers. They considered that the parking layout for two vehicles was very restricted, and vehicles would not be able to safely turn, within the site, without colliding with one another or the adjacent boundary enclosures. I am satisfied that based on the annotated layout drawings they assessed at the time; those difficulties were well reasoned.
6. Before submitting the appeal, the applicant sought to engage with the Council regarding a revised parking layout ('the Option C parking layout'). The revised layout showed that the site could accommodate two vehicles safely, without obstruction and for them to access and leave in a forward gear.

7. Even though I have found the revised layout to be acceptable in my appeal decision, the Council would not have seen this before determining the planning application. As it could not make an assessment, it would therefore be unfair to allege unreasonable behaviour on this basis. Whilst the appellant indicates that the revised layout showed a willingness to engage with the Council, following the determination of the application, I have not seen any details of correspondence between the parties that verifies that attempts were made to resolve parking concerns. In any event the appellant could have submitted a new planning application for the revised layout to be formally assessed by the Council.
8. Similarly, the Council approved a dwelling at the site after the determination of the planning application relating to this appeal. That scheme was for a smaller single bedroom dwelling that required one parking space, rather than the two required for the appeal scheme. Whilst TRICS data between the two schemes may be comparable, they are not similar in terms of their parking requirements.
9. A reduced speed limit of 20mph has been introduced along York Road. Yet as this followed the Council's decision, they would not have been able to consider whether the reduced traffic speed limit along the road would have changed their concerns regarding the proposal's highway safety effects. Accordingly, they have not acted unreasonably in this respect.
10. The CLUED decision determined that the site has been in use for parking purposes for at least 10 years. The Council indicated that there was little by way of evidence to compare parking at the site during this time with future activity from the proposed residential use. Notwithstanding the fallback position, there is limited evidence from either party comparing vehicle activity between the two uses, therefore I am unable to conclude with any certainty that the Council has been unjust in this respect.
11. In view of the above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

RE Jones

INSPECTOR