



Costs Decision

Site visit made on 14 November 2023

by A J Sutton BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2023

Costs application in relation to Appeal Ref: APP/V1260/W/23/3315613 104 Horsham Avenue, Bournemouth BH10 7JQ

- 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 Mr M Watkins for a full award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission to demolish garage and garden room, sever land and erect 1 No 2 bed bungalow with parking and bike store.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) sets out that irrespective of the outcome of an appeal, costs may only be awarded where a party has behaved unreasonably, in either a procedural or substantive way, which has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Examples of unreasonable behaviour include preventing or delaying development which should clearly be permitted, vague, generalised or inaccurate assertions about a proposal's impact, not determining similar cases in a consistent manner, and, refusing to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal.
4. The PPG advises an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
5. The Council's decision notice states the reasons for refusing planning permission and these reasons are substantiated with reference to relevant national and local policy and guidance. The officer's report also provides analysis of the proposal's potential impacts. The Council's reasons for refusing planning permission are not vague, generalised or inaccurate in this respect.
6. Also, the officer's report acknowledges significant infill development has occurred in the area. As outlined in the appeal decision most of these infill developments have distinctly different circumstances than the appeal proposal and are not directly comparable. I find no compelling evidence that the Council

has been either inconsistent in its decision making or has disregarded appeal decisions relating to development in this area. The Council has not behaved unreasonably in this regard.

7. The applicant asserts that the Council should have adopted a more helpful approach in respect of the amended plans. While considering these plans during the application process may have narrowed the issues to be dealt with at appeal, this would not have altered the outcome in this case. Moreover, the amended plans were prepared prior to the Council's decision such that the expenses incurred with regards addressing this matter during this appeal process was limited.
8. In any event, while I have not agreed with the Council's judgements on all the issues raised, I agree that this proposal would provide poor living conditions, and I have dismissed the appeal on that ground. Therefore, the Council has not prevented or delayed development which should clearly be permitted.
9. In light of the above it has not been demonstrated that the Council has behaved unreasonably during the application process or in refusing planning permission in this case. As a result, I find that the behaviour of the Council has not led to the applicant incurring unnecessary or wasted expense in the appeal process for the reasons outlined above.

Conclusion

10. Having considered all submitted evidence and for the reasons stated, an award of costs is not justified in this case.

A J Sutton

INSPECTOR