



Costs Decision

Site visit made on 12 December 2023

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2024

Costs application in relation to Appeal Ref: APP/D1265/W/22/3307475 Land West of Putton Lane, Chickerell, Weymouth DT3 4AG

- 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 Chickerell Developments Limited for a full award of costs against Dorset Council.
 - The appeal was against the refusal of planning permission for the Erection of 3no. dwellings (outline - all matters reserved).
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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. On the basis of the information before me, it appears that the applicant is seeking costs on the basis that the Council unreasonably withheld planning permission for the development.
4. The PPG makes it clear that a local planning authority is at risk of an award of costs if it prevents or delays development which should clearly have been permitted having regard to its accordance with the development plan, national policy and any other material planning considerations.
5. However, I have found that the proposal would be harmful to the functionality of the Chickerell Wildlife Corridor and the character and appearance of the area. The proposal would therefore be contrary to the development plan and I have dismissed the appeal. Accordingly, an appeal could not have been avoided and it therefore follows that the applicant has not been put to unnecessary or wasted expense.
6. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is therefore not justified.

Alison Fish

INSPECTOR