
Costs Decision

Site visit made on 17 November 2023

by C Rose BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2024

Costs application in relation to Appeal Ref: APP/V1260/W/23/3322879 208 Columbia Road, Bournemouth BH10 4DS

- 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 C/O UPP Architects + Planners for a partial award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission for erection of a 2-bedroom bungalow with associated parking, cycle storage, refuse and recycling, and external amenity space, involving demolition of existing side extension, garage and associated outbuildings and sheds to rear.
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Decision

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

Reasons

2. 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 considers that the Council acted unreasonably by adding a new area of concern relating to harm to the character and appearance of the area and poor living conditions into their statement that did not form a reason for refusal, and to which the appellant had to address.
4. In response, the Council states that it made an error in using a standard paragraph and that it was an obvious error that does not justify an award of costs. Furthermore, the Council's Statement only discussed and expanded upon the reasons for refusal and as a result did not seek to introduce a further reason for refusal.
5. In response to this, the applicant considers it to be more than a 'typo' with the planning balance not fully explained or justified. This disadvantaged the applicant, and the Council should be checking all documents before submission.
6. Although the Council's Statement of Case includes an error in referencing concerns regarding character and appearance and living conditions, this is a single paragraph under a section related to the five-year housing land supply situation. There is no other reference to character and appearance or living conditions outside of this and the Council's evidence focuses on the reasons for refusal on the Decision Notice.

7. Even though I have found in the applicant's favour in relation to the appeal, the inclusion of the single reference to character and appearance and living conditions is an obvious error. The Council have subsequently confirmed that this is the case.
8. While I acknowledge that the applicant had to reply to this in their Final Comments, they did so within two paragraphs.
9. In light of the above, I do not find that the Council acted unreasonably and did not introduce a new area of concern that did not reflect the reasons for refusal or that disadvantaged the applicant.
10. Accordingly, I find that unreasonable behaviour in procedural or substantive terms resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
11. The application for an award of costs must therefore fail.

C Rose

INSPECTOR