
Costs Decision

Site visit made on 22 January 2024

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

**Costs application in relation to Appeal Ref: APP/D1265/W/23/3316642
Misty Meadows, 147 Ringwood Road, Longham, Dorset, BH22 9AB.**

- 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 Dorset Council for a full award of costs against Mrs Phillips.
 - The appeal was against the refusal of planning permission for the creation of 10 caravan pitches.
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Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance 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 right of an appeal should be exercised in a reasonable manner. An appellant is at risk of an award of costs being made against them if an appeal had no reasonable prospect of succeeding. This may occur: when a proposal is clearly not in accordance with the development plan and no other material considerations indicate a decision should have been made otherwise; or where there is inadequate supporting evidence; or where an appeal follows a recent appeal decision in respect of the same or very similar development on the same or substantially the same site and there have been no material change in circumstances over the intervening period.
4. I note the Council's argument that the proposals were clearly not in accordance with the development plan. Although I identified conflict with the development plan, I also found that 'saved' policy TODEV2 was of some considerable age. It pre-dates the current and earlier versions of the National Planning Policy Framework. Current national planning policy for Green Belts provides that some material changes of use may not be inappropriate development within the GB. In this instance, conflict with policy TODEV2 did not mean that the appeal was necessarily bound to fail.
5. I also note the Council's concerns at the number of applications and appeals that the appellant has submitted in recent years. I appreciate how time consuming and possibly frustrating this may be to a local authority, especially during periods of financial constraints within the public sector. However, the evidence presented to me does not demonstrate that a similar proposal on the same site has been dismissed in any previous recent appeal proceedings.

6. Although the appellant's evidence amounts to a rather 'light touch' approach, there is nothing to suggest that the appeal was frivolous or vexatious. It could not sensibly be argued that the appeal had no reasonable prospect of success from the outset.
7. Having regard to all other matters raised, it has not been demonstrated that the appellant acted unreasonably and caused the Council to incur unnecessary or wasted expense. I therefore conclude that the application should not succeed.

Neil Pope

Inspector