



Costs Decision

Site visit made on 31 October 2023

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 February 2024

Costs application in relation to Appeal Ref: APP/V1260/W/23/3315468 7a Spencer Road, Poole BH13 7ET

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 74, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Mike McCabe on behalf of Canford Cliffs Land Society and the Branksome Park and Canford Cliffs Residents Association for a full award of costs against Bournemouth, Christchurch and Poole Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for the demolition of the existing dwelling and erect a replacement building containing 7 apartments.
-

Decision

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

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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 PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The application for costs relates to the fact that the Council failed to determine the appeal application within the requisite timescale and, as a result, the claimant was required to employ the services of a planning consultant to support their continued objection.
5. The appeal application was not determined by the Council and had been registered with it for some months prior to the lodging of the appeal. During this period, the Council wrote to and received comments on the appeal application from a number of parties, including the claimants. Once the appeal was submitted, the Council again, wrote to all parties to notify them of the appeal. At the same time the Council supplied the Inspectorate with copies of all correspondence on the appeal application and, in response to the Applicant's Statement of Case, submitted their own Appeal Statement identifying the approach they would have taken on the application had the appeal not been submitted. There is no evidence before me to suggest that the claimant did not have sight or access to any or all of these submissions during the course of the

appeal. Further details were submitted by the Council in response to the received representations from local residents, including those from the claimant.

6. Whilst I understand the sense of frustration which delays to the determination of the application might have had, on the basis of the information before me it would not be reasonable to conclude that the Council behaved unreasonably in the procedure either leading up to the appeal or once it had been lodged. It therefore follows that I do not find that the claimant incurred any unnecessary or wasted expense.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Adrian Hunter

INSPECTOR