
Costs Decision

Site visit made on 13 December 2023

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2024

**Costs application in relation to Appeal Refs: APP/D1265/C/21/3282186, APP/D1265/C/21/3282185 & APP/D1265/W/21/3286641
Land on the south west side of Broadmead Road, Three Legged Cross, Wimborne BH21 6RW**

- 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 partial award of costs against Mrs Mary Anne Ward.
 - The appeals were against the Council's decision to issue enforcement notices against the storage of caravans and associated operational development at the appeal site, along with an application to use the land as a four-pitch traveller site with static and touring caravans stationed on the land.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. This costs application is made by the Council in respect of procedural grounds.
4. The appellant, at the outset, had requested that the conjoined appeals should be dealt with by means of a local Inquiry. A date for such had previously been agreed, twice, yet on both occasions, and late in the process, the appellant requested a cancellation.
5. My attention was also drawn by the Council to the fact that, apart from an initial Statement of case, no Proof of Evidence had been produced, contrary to the Appeal Regulations, and it was only after PINS decided that the case could instead be prosecuted by means of a Hearing that the appellant produced comprehensive evidence in support of her case.
6. Upon the enforcement notices being issued the appellant commissioned the services of a firm of planning consultants to put her case forward. However, for one reason or another – expense was mentioned – the instruction was subsequently withdrawn and the Inquiry, originally scheduled for February 2023, was postponed.

7. PINS was subsequently notified that a barrister would be acting for the appellant on a pro bono basis but, as this arrangement also ended suddenly, the appellant felt unable to represent herself at the rearranged Inquiry date in June 2023. She requested a further cancellation and, due to the various issues involved in the case, and in the interests of natural justice, PINS again acceded to the request. However, PINS did then give the appellant an ultimatum that it would not countenance any further cancellation.
8. Accordingly, the appellant then managed to acquire the services of her current agent and the main parties' cases were subsequently brought into balance.
9. I sympathise with the Council previously making arrangements to hold the scheduled Inquiries which, in the event proved unnecessary, but I am also mindful that the cancellations were agreed by PINS due to the complexities of the case and it was only when PINS gave an ultimatum to the appellant that she responded and the process was put on track.
10. Despite the delay the Council's case was not compromised – it was already compiled, with Counsel instructed. Therefore, apart from the acknowledged inconvenience, the Council was not itself disadvantaged, irrespective of my decisions reached on the appeals themselves.
11. Accordingly, for the reasons given above, I am satisfied that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
12. I therefore refuse the application for an award of costs.

Timothy C King

INSPECTOR