



Costs Decision

Site visit made on 14 May 2024

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 11 July 2024

Costs application in relation to Appeal Ref: APP/V1260/W/23/3336022 1 Sunnyhill Road, Poole, Dorset, BH12 2DH.

- 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 Mr James Baron for a full award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission for the erection of a new dwelling to form semi-detached property with existing dwelling together with associated landscaping works.
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Decision

1. The application for an award of costs 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 appellant considers that the Council did not work either positively or proactively with him, delayed giving its decision and that its reasons for refusal were spurious and unreasonable which resulted in unreasonable behaviour.
4. The appellant provides evidence that, prior to the formal determination of the planning application, he received a positive steer from the case officer that the application was being recommended for approval. However, the Council is not bound by advice given by officers, and is entitled to come to a different decision when the responses of the consultees will also have a bearing on the outcome of the application. I therefore do not consider that the local planning authority acted unreasonably in refusing the application against initial informal advice.
5. Whilst I have found the proposed development to be acceptable, that does not mean that the Council acted unreasonably in its handling of the planning application.
6. However, it is a matter of planning judgement, informed by the details of the proposal and the circumstances of the site whether or not a development is acceptable in terms of its impact on the character and appearance of the area, and if living conditions for existing and future occupiers are likely to be satisfactory. Further, the weight to be given to other decisions as a material consideration is for the decision maker. The Council determined the proposal

on its individual merits, and I do not agree that it has been inconsistent and that its reasons for refusal were spurious and unreasonable.

7. I now turn to the Council's conduct in its handling of the planning application. The procedures adopted by a planning authority for determining planning applications are generally a matter for the authority. Any complaints concerning the Council's conduct or its adopted procedures in determining planning applications should be addressed through its established complaints procedure.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Philip Willmer

INSPECTOR