



Costs Decision

Site visit made on 2 July 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Costs application in relation to Appeal Ref: APP/V1260/W/23/3332920 22C Dudmoor Farm Road, Christchurch BH23 6AQ

- 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 Kefford 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 planning permission for the removal of existing shed/outbuildings and erection of new dayroom/utility room on approved site under 8/20/0708/CLE.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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. An appeal was made on 10 November 2023. The reason for that appeal was that the Council had failed to give notice of its decision within the appropriate period on an application for permission.
4. Upon the appeal being made, the Council no longer had the authority to determine the planning application. Notwithstanding this, on 21 December 2023, a decision notice was issued by the Council in respect of the planning application, which purported to refuse planning permission for the development. This action was unreasonable behaviour on the part of the Council. Nevertheless, given that the appellant had already submitted an appeal in respect of the proposed development, there was no need for them to incur the costs associated with the preparation and submission of a second appeal against the Council's apparent refusal of planning permission.
5. Paragraph 48¹ of the PPG indicates that in any appeal against non-determination, the Local Planning Authority should explain their reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted. Within the evidence, the Council has explained why planning permission would not have been forthcoming and indicated that resourcing issues prevented them from determining the application within the prescribed time.

¹ 048 Reference ID: 16-048-20140306

6. It is unfortunate that there was not better communication between the Council and the appellant before the submission of the first appeal. However, I am unconvinced that such actions would have led to the application being approved, thereby avoiding the need for the appeal.
7. Although I reached a different conclusion, it was not unreasonable of the Council to consider the physical and functional relationship that would exist between the proposed building and other development and uses of land within the appeal site. Furthermore, the Council has provided reasoned justification, based upon relevant development plan policies, for the conclusions it reached.
8. For these reasons, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

V Simpson

INSPECTOR