



Costs Decision

Site visit made on 19 June 2024

by H Faulkner BSc(Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2024

Costs application in relation to Appeal Ref: APP/V1260/W/23/3335959 Land rear of 22-24 Granville Road, BH12 3BG, Poole BH12 3BG

- 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 Coastline Homes (Bournemouth) for a full award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission the construction 4no. 1 bedroom bungalows with associated pedestrian access and landscaping.
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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 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. Unreasonable behaviour on the part of a local planning authority may include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
4. The applicant contends that the Council failed to demonstrate that the development would cause sufficient harm to the appearance of the area and future occupiers and that the Council has been inconsistent with its own judgement. They consider that the reference to space standards is without foundation or policy support.
5. The Council response is that they provided sufficient reasoning within the refusal reason and the officer report and that no unreasonable behaviour has taken place that has resulted in wasted expense.
6. The application submitted was for four dwellings compared to three previously proposed on the site. I found these schemes to be materially different and not directly comparable in terms of effects. The design and layout of the housing differs as well as the footprint of the building on the site and I found that the scheme before would be significantly more harmful. It was entirely reasonable of the Council to reach a different conclusion on this case, as I have done. The impact on the character and appearance of the area and living conditions is different to the previous scheme and the Council's reasoning for refusing the

scheme outlined in the officer report were clear enough for the applicant to understand why a different decision had been reached.

7. The reference to the application of the Nationally Described Space Standards. Even if there were not policy support for the application of these as I have found in my decision they are capable of being material considerations. Given that the appeal found that living conditions to be unacceptable for other reasons the appeal could not have been avoided.

Conclusion

8. Overall, whilst I appreciate that the applicant does not agree with the Council's consideration and opinions relating to the effect of the appeal proposal, the issues at the heart of the appeal involve a degree of subjectivity. Given their conclusions, which I am satisfied were properly reached overall, planning permission should not clearly have been granted and an appeal was therefore inevitable.
9. For these reasons, I find that unreasonable behaviour in procedural or substantive terms resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, an award of costs is not justified.

H Faulkner

INSPECTOR