



Costs Decision

Site visit made on 2 August 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2024

Costs application in relation to Appeal Ref: APP/D1265/D/24/3338833 Lormah, Harts Lane, Broomhill, Wimborne BH21 7DF

- 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 HCL Contractors Ltd for a full award of costs against Dorset Council.
- The appeal was against the refusal of planning permission for the enlargement of the dwellinghouse raising the roof from 4.75m to 7.25m (and 6.05m in part) to allow construction of an additional storey under Schedule 2, Part 1, Class AA, of the General Permitted Development Order 2015 (as amended).

Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and that behaviour has directly caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application is seeking to recover the full costs incurred in the appeal process. The applicant considers that the Council behaved unreasonably as it: prevented or delayed development which should clearly be permitted; and failed to produce evidence to substantiate its reason for refusal on appeal.
4. The applicant states that the proposed scheme should have been judged to preserve the setting of the listed building given the Council's earlier decision relating to a proposal for three dwellings on the appeal site¹. As the Council refused planning permission for the previous scheme, albeit only due to Green Belt impacts, the Council has not been unreasonable in giving it no weight in its decision on the current proposal.
5. The reason for refusal does not specify any conditions or limitations in paragraphs AA.1 and AA.2 of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Whilst doing so would have provided greater clarity, it is evident from the Council's Planning Officer's Report (the Report) that the Council assessed the proposal against each of the conditions and limitations in Class AA. This includes an objective analysis clearly outlining why the Council considered that the proposal fails to meet the condition in paragraph

¹ Application ref: 3/14/0180/FUL 'the previous scheme'

AA.2(3)(a)(ii) of the GPDO relating to the external appearance of the dwellinghouse.

6. Further, development plan policies and the National Planning Policy Framework (Framework) can be considered relevant in prior approval cases, but only insofar as they relate to the prior approval matters. The policy and section of the Framework referenced by the Council in the reason for refusal are relevant to the prior approval matter relating to the external appearance of the dwellinghouse. As can be seen from my appeal decision, I have dismissed the appeal, concluding that the reason given by the Council could be substantiated.
7. In view of all the above points, I do not consider that the Council's behaviour has been unreasonable. It thus follows that the applicant has not incurred any unnecessary expense. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

A Wright

INSPECTOR