
Costs Decision

Site visit made on 30 July 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Costs application in relation to Appeal Ref: APP/D1265/W/24/3339613 Cefyn Bryn, 3 Ballard Estate, Swanage, Dorset BH19 1QZ

- 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 and Mrs Parton for a full award of costs against Dorset Council.
 - The appeal was against the refusal of planning permission for demolition of existing single storey dwelling and garage and erection of new single storey dwelling and garage.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG)¹ advises that irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expenses in the appeal process. It sets out that parties in planning appeals and other planning proceedings normally meet their own expenses. The PPG is also clear that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The costs application asserts that the Council acted unreasonably in coming to a decision contrary to the advice of officers, refusing permission without clearly articulating or substantiating its reasons. The applicant advises that this has caused an unnecessary appeal and has, thus, resulted in wasted expense.
4. The planning application was recommended for approval by professional officers and overturned by Council Members. Councils are not, however, duty bound to accept the recommendations of their officers. It must be recognised that many planning judgments are subjective and require a balanced view. This can quite legitimately result in members not wholly agreeing with officers' recommendations, or coming to a different subjective or balanced decision, taking into account all material considerations.
5. The Council's refusal reason clearly sets out how it considers the proposal to be contrary to the development plan and national policy. The matters of concern require an exercise of planning judgement and the Council's refusal reason was based on a reasoned, substantive, and clear planning judgement. I have found

¹ PPG Paragraph: 049 Reference ID: 16-049-20140306 - Revision date: 06 03 2014

favour with the Council's stance in terms of the proposed development's effect on the character and appearance of the area. The development conflicts with local and national planning policy in this regard, and the evidence of benefits and other material considerations do not outweigh that conflict.

6. The Council has not, therefore, prevented or delayed a development which should clearly be permitted having regard to its accordance with the development plan, national policy, and other material considerations. As such, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated.

Conclusion

7. For the reasons above, and having regard to all other matters raised, an award for costs is not justified and the application is refused.

S D Castle

INSPECTOR