



Costs Decision

Site visit made on 30 September 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2024

Costs application in relation to Appeal Ref: APP/V1260/W/23/3328655 1 Plantation Road, Poole BH17 9LL

- 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 A Vincent for a partial award of costs against Bournemouth Christchurch and Poole Council.
- The appeal was against the refusal of planning permission for a dwelling.

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. The applicant submits that the Council has acted unreasonably in procedural terms having regard to the lack of communication during the determination of the planning application, including not seeking agreement for an extension of time in which to issue a decision. The Council has explained that the delay was partly due to the planning officer being on annual leave, and that it worked proactively with the applicant through the acceptance of amended plans to address concerns raised by the Highway Authority.
4. The PPG sets out that the local planning authority may be at risk of costs if better communication with the applicant would have enabled the appeal to be avoided altogether. I appreciate that the applicant felt frustrated regarding the perceived lack of communication with the Council. However, given that the Council's decision was a matter of planning judgement, and I am satisfied that the Council's evidence sufficiently justifies its position, there is no clear evidence to indicate that greater communication with the applicant would have resulted in planning permission being granted and thus the need for the appeal avoided. As such, I cannot agree that the Council has acted unreasonably in this case.

Conclusion

5. For the foregoing reasons I find that unreasonable behaviour resulting in unnecessary or wasted expense has not been incurred by the applicant in the appeal process. Accordingly, the application for an award of costs is refused.

E Worley INSPECTOR