



## Costs Decision

Site visit made on 18 June 2024

**by Alexander O'Doherty LLB (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 October 2024**

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### **Costs application in relation to Appeal Ref: APP/V1260/W/23/3324599 6 Grosvenor Road, Bournemouth BH4 8BL**

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972 (as amended), section 250(5).
- The application is made by B.46 Developments Limited for a full award of costs against Bournemouth Christchurch and Poole Council.
- The appeal was against the refusal of permission for demolition of existing dwellinghouse and erection of 4 dwellings including formation of new vehicular and pedestrian access.

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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. This application for costs largely rests on the premise that the Council acted unreasonably in refusing the planning application. The PPG advises that where a Local Planning Authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs against the Local Planning Authority for unreasonable refusal of an application<sup>1</sup>.
4. In this case, as explained in detail in the associated appeal decision, after taking account of all of the submitted evidence (including the contextual analysis and the CGI's submitted), I found that the proposed development would have an unacceptable and harmful effect on the character and appearance of the area, including its effect on soft landscaping, and that it would not provide satisfactory living conditions for the future occupiers of plots 1 and 4, with particular regard to private amenity space. It was also found that, in applying paragraph 11 d) ii. of the National Planning Policy Framework, the proposed development would not benefit from the presumption in favour of sustainable development.

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<sup>1</sup> Paragraph 16-050-20140306

5. As such, in applying the guidance given in the PPG mentioned above, it is clear that the Council did not behave unreasonably with respect to the substance of the matters under appeal.
6. The Council has confirmed that a refusal reason in the Council's decision notice contains a typographical error in that the reference to 'communal amenity space' should be to 'private' amenity space instead. Nevertheless, a single typographical error does not constitute unreasonable behaviour. Furthermore, as the applicant recognised this error, and responded in their Grounds of Appeal to the issue of private amenity space, no unnecessary or wasted expense has occurred.
7. Given the fundamental concerns identified by the Council with respect to the effect of the proposed development on the character and appearance of the area and on the living conditions of the future occupiers of plots 1 and 4, the Council's behaviour in not seeking to resolve relevant matters via a planning obligation was not unreasonable in the circumstances.

### **Conclusion**

8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not occurred and an award of costs is not warranted.

*Alexander O'Doherty*

INSPECTOR