



Costs Decision

Site visit made on 19 November 2024

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2025

Costs application in relation to Appeal Ref: APP/V1260/W/24/3340267 18 Granville Road, 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 Edgewater Acquisitions Ltd for a full award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the refusal of the Council to grant planning permission for developed described as 'Demolish garage, sever land and erect 1 No 2 bed chalet bungalow with parking'.
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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. Examples of this are set out in the PPG and include: preventing or delaying development which should clearly be permitted, failure to substantiate reasons for refusal on appeal, not determining similar cases in a consistent manner and vague, generalised or inaccurate assertions about the proposal's impact which are unsupported by any objective analysis.
3. The Council found harm in respect of character and appearance and living conditions in this case. These reasons for refusing permission were substantiated in the Council's decision notice, with reference to relevant local policies, and in this regard, are not vague or generalised.
4. The Council's analysis of the proposal is outlined in the officer's report and this evidence has been presented in this appeal process. While my findings may differ from the Council, the main issues identified in this case involve a degree of judgement. Moreover, the submitted evidence shows that the Council's judgement about this proposal is underpinned by an analysis of the scheme, that takes account of relevant development plan policies, national guidance and other material considerations.
5. The applicant has highlighted examples of 'backland' development in the wider area, some of which have been granted permission by the Council. However, while acknowledging these have similarities to the scheme presented in this case, the examples of existing backland development are still limited in number and fairly recent.

6. Given these factors, while this type of development may be established in the area, it is a relatively new secondary form of development. As such, in this emerging context, it is not unreasonable to find differing conclusions are reached when considering the individual merits of separate proposals. Moreover, while I disagree with the Council's position on this scheme, I find no compelling evidence that it has been particularly inconsistent in its decision making for this type of development.
7. I note the repeated error regarding the first floor windows at the appeal property. This is unfortunate, but errors occur. Moreover, the evidence suggests that even if this error was not made, the Council would have refused permission, and the reasons would have included the effect on living conditions for existing occupants. Consequently, the applicant would have had to address this main issue in this appeal regardless of the error.
8. Accordingly, I find no convincing evidence that the Council prevented or delayed development which should have been clearly permitted. Moreover, it has not been demonstrated that the Council has behaved unreasonably either procedurally or substantively in this case. In turn, the behaviour of the Council has not led to the applicant incurring unnecessary or wasted expense in the appeal process.
9. To conclude, having considered all submitted evidence and for the reasons outlined above, an award of costs is not justified.

A J Sutton

INSPECTOR