

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: 14 January 2025

Costs application in relation to Appeal Ref: APP/V1260/W/24/3340031 75 Uppleby Road, Poole BH12 3DD

- 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 E LaBouchardiere 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 development described as 'Partial demolition of the building, alterations and conversion of the building to a 1 bedroom dwelling with private garden.'
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) sets out that irrespective of the outcome of an appeal, costs may only be awarded where a party has behaved unreasonably, in either a procedural or substantive way, which has directly caused another party to incur unnecessary or wasted expense in the appeal process. Examples of unreasonable behaviour include preventing or delaying development which clearly should be permitted, inaccurate assertions about the proposal's impact and failure to produce evidence to substantiate reasons for refusal on appeal. The PPG advises an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The applicant raises concerns about the timescale for the Council's original decision, which is understood to have taken 8 months to determine. In particular, the applicant asserts there was very little progress in the first 6 months, and until there was a change in personnel. It is understood that the officer initially managing the case has now left the authority. The Council also states there is evidence of communication between the parties during the initial period of the planning application.
4. This aside, six months with little progress on a minor application does appear protracted. However, changes in personnel and limited resources unfortunately impact on services and these factors are currently not an uncommon occurrence despite councils' attempts to address such matters. In any event, when the application was allocated to another officer, progress

was made, albeit with an outcome which led to this appeal. I find no compelling evidence that the Council's behaviour has been particularly unreasonable in respect of this matter.

5. The Council's reasons for refusing planning permission relate to impact on character and the living conditions of neighbours. While I disagree with the Council in respect of harm to living conditions in this case, this is a matter that involves judgement as does the consideration of impact on the character of the area.
6. The proposal would result in a subdivision of a plot to the rear of existing properties. Although there may not be development plan policies prohibiting this type of development in principle, local and national policies require good design and seek to protect local amenity from harmful development. The Council found this proposal was not a good design and I concur with that view with regards appearance.
7. Moreover, the Council substantiated its reasons for refusing planning permission, with reference to relevant policies. It also provided evidence to substantiate these reasons through this appeal process, and I agree with the Council's conclusions that this proposal should not be granted planning permission. As such, the Council has not prevented or delayed development which clearly should be permitted.
8. The applicant highlights that the Council is unable to demonstrate an appropriate housing land supply and therefore Paragraph 11 of the National Planning Policy Framework (the Framework) is relevant. The officer's report submitted in this appeal shows that the Council applied the planning balance required under this paragraph of the Framework. I also applied this balance in this appeal process, and as set out in the decision, the application of policies in the Framework that protect areas and assets of particular importance provide a clear reason for refusing the development proposed in this case.
9. In light of the above it has not been demonstrated that the Council has behaved unreasonably during the application process or in refusing permission. As a result, I find that the behaviour of the Council has not led to the applicant incurring unnecessary or wasted expense in the appeal process for the reasons outlined above.

Conclusion

10. Having considered all submitted evidence and for the reasons previously stated, an award of costs is not justified.

A J Sutton

INSPECTOR