



Costs Decision

Site visit made on 1 October 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Costs application in relation to Appeal Ref: APP/V1260/W/23/3334458

Dorset Lake Manor, 155 Sandbanks Road, POOLE, BH14 8EL

- 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 JKA Property Ltd for a partial award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission for proposed external alterations to the existing block of flats and an upwards extension of two floors to create an additional seven flats with associated 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.
3. Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals.
4. The applicant states that due to the inclusion of an additional reason for refusal in their statement of case, that the Council have behaved unreasonably.
5. The Council assert that, due to an administrative error, a reason for refusal was duplicated in place of one relating to living conditions. From reviewing the Officer Report, it is clear that, when looking at the overbearing impact of the proposal, that the Council conclude that it would have a harmful impact on nearby residents. This is then noted within the planning balance section of the Officer Report as a harm. As such, in my mind it was clear that the Council also had concerns regarding the impact of the proposed development on the living conditions of nearby residents.
6. Interested parties also raised this as a concern during the application and appeal. As such, the applicant provided a detailed submission on living conditions in response to these objections.
7. As the concerns of the Council were clear within their Officer Report I do not consider the Council to have behaved unreasonably in this respect.

8. Within the Officer Report was an assessment of the proposal on the living conditions of future occupiers. The report noted that, whilst the proposal was slightly under the floorspace measurements contained within the Nationally Described Space Standards, this was only minor, stating '*the relatively minor failing is not considered to warrant a reason for refusal.*'
9. In their submission the Council have included the internal space as part of the living conditions reason for refusal. In this regards the Council behaved unreasonably by introducing a new reason for refusal and unreasonably defending the appeal.
10. Whilst the applicant has produced evidence in relation to living conditions, this largely relates to neighbouring properties and nearby residents. The submissions do not evidence that additional documents or technical reports were required with regards to internal space requirements. Whilst the Council behaved unreasonably in this respect, this behaviour did not result in the applicant incurring unnecessary or wasted expense in the appeal process.

Conclusion

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

Tamsin Law

INSPECTOR