



Costs Decision

Hearing held on 8 October 2024

Site visit made on 9 October

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Costs application in relation to Appeal Ref: APP/V1260/W/24/3347236 17 Danecourt Road, Poole BH14 0PG

- 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 Beechvale Construction Limited for a full award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the refusal to grant subject to conditions planning permission for two blocks of 8.no two-bedroom flats and 3.no detached three bedroom houses with associated access and 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. Whilst costs cannot be claimed for the period during the determination of the planning application. The PPG does, however, state that the behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
4. Paragraph 47 of the PPG sets out examples of unreasonable behaviour by local planning authorities which includes lack of co-operation with the other party or parties; failure to produce evidence to substantiate each reason for refusal on appeal and making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
5. The decision is ultimately a matter of planning judgement based on the merits of the proposal and the information submitted. The weight to be given to the benefits of the proposal in the overall planning balance, when engaging the tilted balance, is a matter of planning judgement. It is for the decision maker to determine whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposed development. It is apparent to me that the Council had legitimate concerns based on the evidence provided and has substantiated its position as outlined in the officer's report.
6. As seen from my decision I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The reasons for refusal set out in the decision notice are complete,

precise, specific and relevant to the application. It also clearly states the policies of the development plan that the proposal would be in conflict with.

7. Irrespective of the time taken to determine the planning application there is nothing substantive before me to suggest that the Council or the Transportation Team have failed to objectively assess the planning application or that it has been pre-determined. Furthermore, it is apparent from the available information that the applicant and Council officers were in discussion regarding the application.
8. Whilst the absence of an Air Quality Assessment (AQA) formed a reason for refusal, it is evident that this matter was resolved prior to the Hearing. In the event the AQA had not been submitted and I was minded to allow the appeal a condition requiring the submission of an AQA would have been imposed. Thus, the applicant would have had to undertake this work in any case. As such, no unnecessary or wasted expense was incurred in respect of this matter in the overall planning process.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason an award of costs is not justified.

B Thandi

INSPECTOR