



Costs Decision

Site visit made on 28 February 2025

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

Costs application in relation to Appeal Ref: APP/V1260/W/24/3348409

Land adjacent to no. 43A Maureen Close, Poole, BH12 3HG

- 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 Diffey & Mabey Projects Limited for a full award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission for demolish existing garage and erect a detached bungalow with off road car 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. The applicant's case is essentially that the appeal was unnecessary as the Council did not suitably evidence its reasons for refusal, while the proposal should have been approved in light of support from the National Planning Policy Framework (the Framework) and other material considerations.
4. The reasons for the refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the Poole Local Plan that the proposal was deemed to be in conflict with. Furthermore, these reasons have been adequately substantiated by the Council in its Officer Report. In reaching its decision, the Council also recognised that it could not demonstrate a five-year housing land supply and considered the benefits of the scheme in light of Paragraph 11 of the Framework.
5. The reasons for refusal are matters of planning judgement. As will be seen from my main decision, I am in agreement with the Council in respect of the harm to the character and appearance of the area and that the proposal would provide unsuitable living conditions for potential future residents.
6. Although the Council has not adopted the Technical Housing Standards – Nationally Described Space Standard (the NDSS), it can remain a material consideration. That the Council used the NDSS as part of its consideration of the proposed scheme therefore does not amount to unreasonable behaviour, even given the precise findings of another appeal in the local planning authority area.

7. The findings of other application/appeal decisions cited by the applicant are also material considerations. However, the Council has made a suitable case as to why the proposal was unacceptable based on its specific merits and site context.
8. I did not agree with the Council in respect of the likely effect of the proposal on the living conditions of existing residents at no. 355A, still this is a subjective matter. It remains that the Council appropriately substantiated its reason for refusal. Indeed, in reaching an alternative view on this matter, I had the benefit of additional evidence that was submitted through the appeal in direct response to the Council's concerns. It would have been helpful if the Council had requested the elevation/sectional drawing during the application process, but ultimately the onus is on the appellant to demonstrate the acceptability of the proposal.
9. Overall, I do not consider that unreasonable behaviour resulting in unnecessary or wasted expense has occurred. An award of costs is therefore not warranted.

Lewis Condé

INSPECTOR