



Costs Decision

Site visit made on 27 March 2025

by **Laura Cuthbert BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 April 2025

Costs application in relation to Appeal Ref: APP/V1260/D/24/3351795

2 Watermead, Willow Way, Christchurch BH23 1JJ

- 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 K Slater for a full award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission for construction of first floor mono-pitched extension incorporating sedum roof and first floor rear balcony area.
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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. Paragraph 031 of the PPG states that unreasonable behaviour in the context of an application for an award of costs may be either procedural or substantive. Paragraphs 047 and 049 of the PPG sets out some examples of unreasonable behaviour by local planning authorities.
4. I acknowledge the content of the pre-application advice given by the Council prior to the submission of the appeal application. However, I note that this advice was caveated, stating 'all advice is given in good faith, without prejudice and cannot guarantee the outcome of any subsequent application which will be subject to a period of consultation and public notification and may be decided at a Planning Committee. The local planning authority will only be bound where a formal application is submitted, and a formal decision is issued in writing'. The applicant was aware of this caution at the time of the submission of the formal application.
5. The appeal scheme was amended in line with the advice set out by the pre-application advice, including providing further information on the sedum roof, and clarifying that the balcony area was included. However, whilst this is unfortunate, it is not unreasonable for the Council to come to a different conclusion. I note that there was a change of case officer between the earlier proposal on the appeal site¹ and the case officer that subsequently dealt with the pre-application enquiry and the appeal proposal before me now. The pre-application sets out that a 'site visit would need to be made during the assessment of the application to make a

¹ Appeal Decision APP/V1260/D/22/3309706 Decision Date 14 June 2023

judgement as to whether the amendments have gone far enough.....', which the Council state could only be carried out once the formal application had been submitted. Whilst the Case Officer eventually found that the proposal was not 'sufficiently materially different from the dismissed scheme', and I have ultimately found in favour of the applicant on this matter, I am satisfied that the Council provided sufficient evidence to substantiate the reason for refusal, providing an objective analysis of the proposal's impact. Any pre-application advice was clearly cautioned that a site visit would be necessary, despite any existing knowledge of the site, and no 'false pretences' given.

6. Furthermore, I do not agree that the Council, in their pre-application advice, 'clearly encourage the submission for formal consideration', as alleged by the applicant. The advice from the Council was that 'the proposals would be more likely to be supported at officer level'. Therefore, I am not persuaded that the Council made 'procedural and substantive errors of judgement, leading to false pretences and the formal submission of an application', as the applicant submits.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Laura Cuthbert

INSPECTOR