



Costs Decision

Site visit made on 10 April 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 April 2025

Costs application in relation to Appeal Ref: APP/V1260/D/24/3357430 17 Hunt Road, Poole, BH15 3QD

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr K Brown for a full award of costs against BCP Council.
 - The appeal was against the refusal to grant permission to raise roof and provide new second floor loft extension including new dormers and roof lights, new external cladding, window replacement and internal alterations.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. The PPG reference to “*unreasonable*” should be used in its ordinary meaning.
3. The appellant’s application for costs raises a substantive point. The PPG states that local planning authorities (LPA) will be at risk of an award being made against them if they fail to produce evidence to substantiate their reasons for refusal.
4. The appellant contends that the LPA behaved unreasonably in refusing planning permission and that they had, as a consequence, to instruct an agent to act on their behalf. In relation to the latter point, it is not uncommon for appellants to appoint an agent to act on their behalf in relation to an appeal. However, in this case, it was the appellant who decided to appoint an agent and they could equally have represented themselves. It was, therefore, the appellant’s choice to be represented by an agent.
5. Whilst the application for costs is brief, I have assumed the appellants reference to unreasonable behaviour relates to the LPA refusing planning permission and thus preventing development which should have been permitted.
6. Whilst I have found the appeal proposal to be acceptable in relation to its impact on the character and appearance of the host and surrounding area, that finding was based on the evidence presented by the LPA, the policies of the development plan and the National Planning Policy Framework, and my own observations on site. The LPA’s evidence comprised its reason for refusal, Delegated Report and

relevant policy documents. These provided a precise explanation of the LPA's objections to the appeal scheme. I am satisfied that the information submitted by the LPA enabled me to fully understand their objection to the appeal proposal.

7. In relation to the character of the area, such an assessment is subjective and is a matter of judgement, on which opinions will differ. It is also for the decision-maker to decide what weight should be accorded to such factors, as well as, in this case, comparisons with examples of similar approved developments within the area.
8. In relation to biodiversity and protected species, I understand the points made by the appellant about the LPA's failure to request a preliminary bat survey. It is unclear from the evidence as to why the LPA validated and proceeded to determine the application where they contend that a preliminary bat assessment was a local validation requirement or why this was not required on a similar household application approved on Gorse Hill Close. Also, as to why it was only later in the process that a record of a bat sighting in 2015 came to light which then led them to the view that an assessment was required, but they still as I understand it did not request one or offer the appellant the opportunity to do so.
9. However, as I found in my main decision, in the absence of any substantive or credible evidence of a reasonable likelihood of protected species being affected by the appeal proposal, I reached the judgement that this was a situation where the circumstances dictated that it would be appropriate to secure this assessment by way of a condition. This was an approach that the appellant themselves invited in their Grounds of Appeal. Even so, had this issue been addressed at the application stage, it is clear to me that the LPA's principal objection to the appeal proposal, in terms of its impact on the character and appearance of the host and surrounding area, would have remained.
10. Given the above and on balance, I cannot agree that the LPA acted unreasonably in this case.

Conclusions

11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. A full award of costs is therefore not justified.

G Roberts

INSPECTOR