



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: 09 May 2025.

Costs application in relation to Appeal Ref: APP/V1260/D/25/3358908 5 South View Place, Bournemouth, BH2 5PN

- 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 South View (Bournemouth) Ltd for a full award of costs against BCP Council.
 - The appeal was against the refusal to grant permission for a change of use of existing residential dwelling to a serviced holiday accommodation dwelling.
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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. There is no suggestion that there have been any procedural issues other than the Appellants contention that the LPA failed to engage and consult with them at the application stage. The LPA’s evidence indicates that the Appellant did not enter into any pre-application discussions and that the application only contained limited information on how the proposed use would operate, could be managed and/or restricted to the type of holiday letting proposed. The LPA’s Delegated Report also considered the imposition of conditions but concluded that these would be difficult to enforce and may not be reasonable to the Applicant.
5. The PPG states that whilst costs can only be awarded in relation to unnecessary or wasted expense at the appeal, behaviour and actions at the time of the planning application can be taken into account in considering whether or not costs should be awarded. Even so, there is no evidence before me to suggest that the LPA’s behaviour at the application stage was unreasonable or led to unnecessary or wasted expense. In terms of the complaint about engagement and additional information, it is not unreasonable to have expected this information to have been included in the application given that the Appellant was professionally represented

and they would have been aware from the planning history of the concerns that the LPA might have with such a use. Moreover, a pre-application discussion would have provided the opportunity to agree the information required and/or the issues of concern to the LPA.

6. The Appellant also contends that the LPA did not exercise their duty to consider the application in a reasonable manner and that their decision was not based on any objective analysis. The LPA, therefore, prevented development which should have been permitted resulting in the unnecessary or wasted expense of an appeal.
7. From the reason for refusal, the LPA's Delegated Report and the documents submitted with their Questionnaire, I fully understood the LPA's reasoning and the case it was putting forward. This was reaffirmed in the LPA's Statement of Case, which responded to some of the points raised by the Appellant in their Statement of Case. Based on all of this evidence, I recognised that the objection related to the impact of the proposal on the living conditions and character area the area arising from the LPA's contention that the development resulted in the over-intensification of the use of the site and increased potential levels of noise and disturbance to the occupiers of neighbouring properties.
8. As set out in my main decision, I concurred with the LPA's findings in this respect and also concluded that the conditions suggested by the Appellant proposed a level of maximum occupancy that was excessive and that none of the conditions would mitigate for or address the harm that I had identified. Such cases should largely be assessed on a case by case basis, which is consistent with the established principle that each application should be assessed on its individual merits having regard to its local context and the circumstances of the case. In addition, reaching a finding on the main issue required an interpretation of the policy, a proper review of the submitted evidence, and then the application of experience and planning judgement.
9. Given the above, I cannot agree that the LPA acted unreasonably in this case.

Conclusions

10. I 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 not, therefore, justified.

G Roberts

INSPECTOR