



Costs Decision

Site visit made on 14 January 2025

by **K Reeves BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 June 2025

Costs application in relation to Appeal Ref: APP/V1260/W/24/3343326 21-23 Talbot Avenue, Bournemouth BH3 7HS

- 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 Off Plan Property Group Ltd for a full award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for demolition of 2 existing dwellings and erection of thirty flats across three buildings with associated access, car parking, cycle and bin storage.
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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 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 has explained that the Council did not determine the application within the statutory determination period. Furthermore, the evidence provided by the applicant shows that they made numerous attempts to discuss the planning application with the planning officer and an update on the Council's assessment of the proposal was only sent to the applicant months after the application's statutory determination period had expired. Additionally, the applicant explains that consultation responses were not published on the website for a considerable period after they were submitted by the consultee.
4. The Council did eventually provide an explanation as to why the application was not determined within the statutory determination period and why there was a delay in publishing consultation responses on the website. The reasons given were the excessive officer workload associated with the current planning system, the lack of staff at the Council, the Council's dated software, the chronic underfunding of local government and the Council's cumbersome procedures.
5. However, on the basis of the details provided, these matters do not appear out of the ordinary in the context of the normal determination process. Unreasonable behaviour by the Council was therefore displayed. However, this does not indicate that wasted expense in the appeal process has occurred. An earlier decision would still have led to a refusal, and I am not convinced that discussions between the

parties would have avoided a refusal of planning permission, and thus the appeal would still have been necessary.

6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted. I have also considered whether a partial award should be made, but I reach the same overall conclusion.

K Reeves

INSPECTOR