



Costs Decision

Site visit made on 21 May 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Costs application in relation to Appeal Ref: APP/D1265/W/24/3352481 Mushroom Farm, Cow Lane, Poyntington, Sherborne, Dorset DT9 4LF

- 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 Mr Nathan Hopkins on behalf of Hopkins Estates Ltd for a full award of costs against Dorset Council.
 - The appeal was against the refusal of planning permission for the demolition of existing agricultural buildings and polytunnels and the erection of 2 residential dwellings (C3), vehicular accesses and associated works.
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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 alleges that the Council has acted unreasonably which has led to significant and unnecessary costs in bringing this appeal. The main reason being that, despite the officer's recommendation that planning permission be granted for the proposal, Council Members made a decision contrary to this, without adequate reason to do so. PPG indicates that local planning authorities will be at risk of an award of costs being made against them if they fail to produce evidence to substantiate each reason for refusal.
4. While I note the recommendation of officers, the decision in relation to the effect on the character and appearance of the area is one which is a matter of judgement. The Council Members in this case were entitled not to accept the professional advice of officers so long as a case could be made for the contrary view. It will be seen from my decision that I have reached a different view to the Council Members. Nonetheless, the Council's evidence clearly sets out the reason for refusal and thus policy conflict, having regard to a broad range of factors, including the fallback position. In light of this, there is therefore no unreasonable behaviour on this point.
5. I acknowledge the applicant's concern regarding the objectivity of the Council Members when considering the application. However, given that the Council fundamentally substantiated its refusal of the proposal with a well-reasoned argument, in spite of correspondence from the Local Member prior to the committee meeting, there is no compelling evidence that the decision was not made objectively.

6. Moreover, even if the effects of the glazing could have been capable of being dealt with by a condition, the application was refused for other reasons relating to the impact of the development. Consequently, such an approach would not have enabled the appeal to be avoided altogether. Thus, no additional costs have been incurred in that regard.
7. For the foregoing reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs is refused.

E Worley

INSPECTOR