



Costs Decision

Site visit made on 22 May 2025

by **O Tresise MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Costs application in relation to Appeal Ref: APP/V1260/W/25/3360245

54 Elms Avenue, Poole BH14 8EF

- 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 and Mrs J Yeoman for a full award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission for demolition of existing property and erection of replacement house (revised scheme).
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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 PPG indicates that the local planning authority will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal, or rely upon vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicants assert that the Council has failed to consider the findings of the previous Inspector's decision, described the character of the area incorrectly, and that the case officer did not visit the site before the application was determined. For these reasons, the applicants contend that the Council's refusal of the scheme has delayed development that should clearly have been permitted.
5. However, the reason for the refusal set out in the decision notice is complete, specific and relevant to the application. Furthermore, this reason has been adequately substantiated by the Council in its delegated officer report that clearly refers to the previous appeal decision and the identification of the two different character areas present in the locality. I note that the Council considered the proposal in terms of its subordination to surrounding development, but it is clear that this is descriptive of its assessment, rather than setting out a requirement. Whilst the applicant suggests that the case officer has not visited the site, there are other means for the Council to identify the characteristics of the site and the area.
6. Therefore, given that matters of character and appearance are subject to planning judgement, and given I have found that the Council clearly identified its concerns in

relation to this matter, I do not consider that the Council acted unreasonably in this respect.

7. It will be seen from my decision that I agreed with the Council that there were sufficient grounds for refusing planning permission due to the impact on the character and appearance of the area. I am satisfied that the Council has shown that it was able to substantiate its reason for refusal.
8. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case.

Conclusion

9. For the above 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.

O Tresaie

INSPECTOR