
Costs Decision

Site visit made on 5 August 2025

by **N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 August 2025.

Costs application in relation to Appeal Ref: APP/D1265/W/25/3365851

2 Hillrise, Manswood, Witchampton, Dorset BH21 5BD

- 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 Dorset Council for a full award of costs against Amabel Clarke.
 - The appeal was against the refusal of planning permission for development described as “Part Retention of the existing dwelling and severance of the land to erect two semi-detached dwellings together with landscaping, parking 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, who in this case is the Council, claims that it is clear that the proposal is not in accordance with the Development Plan, when read as a whole and no material planning considerations outweigh this conflict. As a consequence, the applicant suggests that there is no reasonable prospect of the appeal succeeding and the appellant has behaved substantively unreasonably, resulting in unnecessary expense associated with the appeal.
4. In particular, the applicant fundamentally disagrees with the appellant that the proposed development would involve the subdivision of an existing dwelling, in that no existing residential building is being subdivided, and it does not comply with paragraph 84d) of the National Planning Policy Framework (the Framework). As such, the applicant alleges that the appellant has made a clear misinterpretation of planning policy. Also, that the appellant has applied the tilted balance of paragraph 11 of the Framework incorrectly and the appeal site is not a sustainable location.
5. Paragraph 053 of the PPG, amongst other things, states that a substantive award of costs against an appellant may occur when “the development is clearly not in accordance with the development plan, and no other material considerations such as national planning policy are advanced that indicate the decision should have been made otherwise, or where other material considerations are advanced, there is inadequate supporting evidence.”
6. During the appeal the appellant does concede that the appeal site is isolated and that it does not comply with paragraph 84d) of the Framework. However, the

concession was made following the submission of the Council's Statement of Case. Before that, the appellants case, including whether the site was isolated or in a sustainable location, was comprehensively set out in their Statement of Case, and other supporting documents. Indeed, it is clear that the emphasis of their case was that there were material considerations at play when considering the appeal. Whilst in my decision letter I have reached a different conclusion to the appellant, the case put forward by them was not without substance.

7. Also, the issue of whether the proposed development would conserve and enhance the landscape and scenic beauty of the Cranborne Chase National Landscape, was an important consideration. The appellant sets out in detail why they consider that the proposed scheme was acceptable. When read as a whole, the arguments of the appellant did have some standing. Although the case was ultimately unpersuasive, I do not agree that it had no prospect of success.
8. Overall, for the above reasons, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Bromley

INSPECTOR