

Costs Decision

Site visit made on 20 August 2025

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 August 2025

**Costs application in relation to Appeal Ref: APP/D1265/D/25/3367717
9 Caesars Way, Corfe Mullen, Dorset, BH18 9DP**

- 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 Adrian and Ann Wardlow for a full award of costs against Dorset Council.
 - The appeal was made against the refusal of planning permission for single storey front, side and rear extension.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The application is made for a full award of costs. The appellant argues that the Council has acted unreasonably by preventing development which should be permitted, having regard to its accordance with the development plan and national policy. The application was recommended for approval by Officers on the basis of a previous planning permission for a development which was the same, apart from a minor change in its siting in relation to the highway, and which was in accordance with development plan policies.
3. The appellant also argues that members of the Council's Planning Committee were shown incorrect measurements of the setback of the extension from the highway. Therefore, members did not have the necessary, correct information to make their decision.
4. The Council acknowledges that an error was made in the Committee presentation but contends that as the application was retrospective and photographs were available to assist members, they were able to make an informed judgement on its impact on the character and appearance of the area. The Council has not acted unreasonably in refusing the application.

Conclusions

5. 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.
6. I have found the development acceptable and allowed the appeal. Planning Authorities are not bound to accept the recommendations of officers but must

show reasonable planning grounds for taking a contrary position. Reasons for refusal should be fully substantiated and not based on vague, generalised or inaccurate assertions and should be supported by objective analysis. The Council considered the application having regard to adopted development plan policy aimed at protecting the character and appearance of the area.

7. The Council based its decision on inaccurate measurements presented to members of the Planning Committee. The planning officer's report was clear in detail in stating that the extension as built was in accordance with drawings approved by the previous planning permission apart from the distance it was set back from the highway. This distance was set out in the plans submitted with the application and the report clearly set out the difference between the approved plans and the 'as built' plans.
8. In conclusion, I find that the Council relied on inaccurate information presented to it at committee, despite the clear information in the officer's report.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Dorset Council shall pay to Mr and Mrs Adrian and Ann Wardlow the costs of the appeal proceedings incurred in preparing their case in respect of the Council's refusal to grant permission for development; such costs to be assessed in the Senior Courts Costs Office if not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.
11. The applicant is now invited to submit to Dorset Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

PAG Metcalfe

INSPECTOR