



Costs Decision

Site visit made on 23 July 2025

by **H Faulkner BSc(Hons) MSc PGCE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 September 2025

Costs application in relation to Appeal Ref: APP/D1265/W/25/3361640 Newton Peveril Farm, Sturminster Marshall, Wimborne BH21 4AN

- 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 Ms J Harding for a full award of costs against Dorset Council.
 - The appeal was against the refusal of planning permission for is replacement agricultural barn.
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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. Unreasonable behaviour on the part of a local planning authority may include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
4. The applicant claims that the Council's reason for refusal was spurious, unreasonable and inconsistent with neighbouring decisions. They refer to both substantive and procedural reasons.
5. In respect of substantive matters I take the grounds to be that the applicant is of the view that the proposal should have been permitted at the application stage as it complied with development plan policies. Whilst I have reached this conclusion within my own decision the Council was entirely reasonable to consider the application of the policies in the manner that it did. Within their officer report they outlined the approach taken in respect of the need for a sequential test and also that it considered that alternative sites were available. It was acceptable for the Council to reach a different view to mine on this matter.
6. There are some similarities between the appeal case and that at Frog Lane Farm which suggests inconsistency in the Council's decision making. The Council states that the understanding of the importance of the sequential approach to flooding has been shaped by the evolution of the National Planning Policy Framework, PPG and case law. It also states that each case is determined on its own merit.

7. In my view the manner in which the proposal subject of this appeal was considered was consistent with local and national policy and whilst the Council may have taken a different view in the past they have sought to re address how they consider this matter. I do not find that the Council were unreasonable in the approach taken and I do not consider that the appeal could have been avoided given the findings above.
8. In respect of procedural matters I have not been provided with any specific grounds where the Council has acted unreasonably during the appeal process.
9. For these reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, an award of costs is not justified.

H Faulkner

INSPECTOR