
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: 10 September 2025

Costs application in relation to Appeal Ref: APP/D1265/W/25/3360901

38 Maiden Street, Weymouth, Dorset, DT4 8BA

- 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 Ben Andrews (DJAR Planning) for a full award of costs against Dorset Council.
 - The appeal was against the refusal of planning permission for alterations and conversion to 2 Houses and 2 Maisonettes.
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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 grounds for the applicant are that the Council was unreasonable in refusing the application on noise grounds. The Council considered that noise issues had been suitably mitigated. In particular the applicant states that the unreasonable behaviour stems from the planning officer not following the advice of their professional experts who raised no concerns.
5. The applicant claims that the Environmental Protection Team (EPT) raised 'no concerns', however this was not the case. Whilst the EPT reached the view that they could not object to the proposal this was not without concern, and the post-development noise condition suggested reflects this position.
6. It is not disputed that the EPT accepted the findings of the noise report. Whilst I can understand the applicant's concern, the decision maker also needs to reach a view on the overall proposal, coming to a view on the suitability of suggested conditions. Officers concluded that the condition suggested by the EPT was "an unusual requirement." Indeed, the suggested post development noise report condition is unreasonable and fails to comply with the required tests, as set out in my decision.

As the condition is unreasonable it could not therefore be imposed and permission must be refused instead. As a result, the appeal could not have been avoided.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

H Faulkner

INSPECTOR