
Costs Decision

Site visit made on 9 July 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 September 2025

Costs application in relation to Appeal Ref: APP/V1260/W/24/3358113 40 Brownsea View Avenue, Poole BH14 8LQ.

- 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 Messrs Nisbett for a full award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the refusal of the Council to grant planning permission for demolition of an existing dwellinghouse, erection of a replacement dwelling and workshop/store outbuilding and subdivision of the plot to erect a further single detached dwellinghouse with associated access, parking and landscaping.
-

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's application for costs is based on the alleged unreasonable behaviour of the local planning authority ('LPA') and wasted expense, for the reasons, as considered below.
4. The applicant claims inconsistency in decision-making between the application, which is before me and an earlier planning application¹ which was the subject of a separate appeal². In particular, the applicant contends that this inconsistency cannot be reasonably reconciled, given that the second scheme proposes a smaller dwelling and reduced built coverage yet was refused on grounds not previously raised.
5. The full submission and details of the previous application are not before me but based on the information available both schemes involve the severance of a plot to create two dwellings. Even so, the two schemes are different in terms of layout, siting and built form and the extent of hardstanding. Moreover, even minor variations can be decisive in distinguishing an acceptable proposal from one that falls short.
6. Furthermore, where the reasons for refusal relate to matters of character and appearance, the quality of a development and its effects on the living conditions of neighbours, then these can include qualitative and subjective judgements which can vary between schemes even when they are similar. To this end, and even though I

¹ APP/23/01206/F

² APP/V1260/W/24/3347220

have found in favour with the applicant on these matters, I am satisfied that together, the LPAs reasons for refusal, assessment of the scheme before me and the appeal submissions provide sufficient assessment, which is also supported by development plan policies.

7. While the applicant has provided detailed analysis to support their position, it is not unreasonable for the LPA to have reached a different conclusion using its own planning judgment. Disagreement between parties does not, in itself, indicate that the LPAs position was unjustified or amounted to unreasonable behaviour. Therefore, on the evidence before me, I am unpersuaded that the LPA has been inconsistent in determining two different schemes at the appeal site.
8. Furthermore, contrary to the applicant's assertion, I am not persuaded that conditions could be used to overcome the LPAs reasons for refusal. In particular, those relating to character and appearance, the quality of the scheme in respect of occupiers of the development and neighbours.
9. In respect of the LPAs fourth reason for refusal relating to Biodiversity Net Gain ('BNG'). In determining the appeal, I have found that the Biodiversity Metric and the Biodiversity Net Gain Report show a loss in habitat units on-site. Therefore, a 10% net gain cannot be achieved on-site, so off-site habitat creation or biodiversity credit purchase is necessary.
10. While the LPA raised concerns about data inconsistencies, I have attributed these to assessment methodology and differences in survey scope and classification methods rather than significant errors. I am satisfied that the applicant followed best practice guidance, prioritising retention of higher-value habitats and incorporating on-site enhancements such as native planting and wildlife features.
11. Although full BNG cannot be delivered on-site, the Government's biodiversity credit scheme offers a viable route to compliance. Subject to conditions, the proposal is considered capable of meeting BNG requirements. As such, the LPAs concerns about securing the BNG requirement could have been dealt with through conditions and therefore the inclusion of this reason for refusal amounts to unreasonable behaviour. However, to make an award of costs, I need to be satisfied that this matter resulted in unnecessary or wasted expense in the appeal process.
12. In this case the LPAs reasons for refusal relate to a number of other matters. Therefore, while I cannot be certain, it seems likely that even if the LPA had not incorporated the fourth reason for refusal in respect of BNG, this would not have altered the LPAs decision to refuse the planning application. Therefore, an appeal could not have been avoided.
13. Given all of the foregoing, and despite finding the appeal in the applicant's favour, I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated. Therefore, a full award of costs is not justified.

M Aqbal

INSPECTOR