
Costs Decision

Site visit made on 10 September 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Costs application in relation to Appeal Ref: APP/D1265/W/25/3365845

Land at E 374230 N 117990, Station Road, Stalbridge, DT10 2RJ

- 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 Hampshire Homes Limited for a full award of costs against Dorset Council.
 - The appeal was against the refusal to grant approval to details required by a condition of a planning permission.
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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 states that it has experienced unreasonable behaviour during the application determination process which has subsequently caused unnecessary and wasted expense in the appeal. The unreasonable behaviour is stated as being largely substantive in preventing or delaying development that should clearly be permitted. This is due to delays in processing the application and by the planning committee overturning the Officer's recommendation. Furthermore, the Council failed to substantiate its reasons for refusal with little discussion from Members who departed from the advice of the Council's statutory consultees, where not shown the LEAP Surveillance Plan and did not determine the proposal in a consistent manner in comparison to other recently approved applications with regard to density, location of the LEAP and street trees.
4. In response, the Council state that various amendments were submitted during the course of the application demonstrating that the Council was working pro-actively. The Council further state that the comments from the Landscape Officer and Urban Design Officer indicate that significant amendments were required, with its Statement of Case producing evidence to substantiate the reasons for refusal, the LEAP Surveillance Plan lacking important information, and the other recently approved applications pre-dating the National Planning Policy Framework (the Framework) requirement for street-trees. As such, the Council state that the final scheme presented to Committee was not clearly to be permitted and required a degree of planning judgement.

5. Although I have found in favour of the applicant in my main decision, the comments from the Urban Design Officer, Landscape Officer, Stalbridge Town Council (STC) and the assessment within the Committee Report highlight issues with regard to the tree-lining of streets, the suburban appearance and inclusion of 2.5 storey development. In light of this, given paragraph 136 of the Framework post-dates previous decisions, given that each application must be considered on its merits, and given the lack of 2.5 storey dwellings near to the appeal site with the matters requiring the use of planning judgement, I do not find that these matters prevented or delayed development that should clearly have been permitted.
6. Furthermore, I have no reason to conclude that the Council departed unreasonably from consultee comments or determined the appeal in an inconsistent manner in relation to these matters. Planning Committees are entitled to depart from officer recommendations and whilst there may have been little discussions on the reasons for refusal, that is not unreasonable in itself given that the Committee had a written report before it and subsequently heard further oral comments. The Council's Statement of Case details its concerns relating the reasons for refusal to local and national planning policy and guidance. Active negotiation between the parties and submission of amended details during the application process demonstrates that the Council were not unreasonably delaying a decision.
7. With regard to the second reason for refusal and location and surveillance of the LEAP, this is not supported by comments from the Urban Design Officer or Landscape Officer. While this matter is not raised as an area of concern within the Officer Planning Assessment section of the Committee Report, I note the concerns raised in the report in relation to the LEAP by STC and Dorset Police. I also note that the submitted LEAP Surveillance Plan does not detail proposed landscaping diminishing its value. Therefore, and although I have found in favour of the applicant in relation to this matter in my main decision, the Committee used a degree of planning judgement in coming to its decision and, on balance, I do not find that this matter prevented or delayed development that should clearly have been permitted. Furthermore, the Council, aided by STC, have provided evidence to substantiate the reason for refusal.
8. It follows from the above, that I do not find that the Council delayed development that should clearly be permitted, unreasonably delayed the processing of the planning application, failed to substantiate its reasons for refusal or determined the application in an inconsistent manner that represents unreasonable behaviour on substantive terms. As such unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Rose

INSPECTOR