



Costs Decision

Site visit made on 16 September 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Costs application in relation to Appeal Ref: APP/V1260/W/25/3361396

6 Stroud Gardens, CHRISTCHURCH, BH23 3QY

- 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 Mrs Claire O'Neill for a full award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the consent for an outbuilding for use in part associated with short term holiday lets and partly for family use as spare bedroom accommodation.
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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 a number of reasons, which are defined in the PPG. In claiming the costs of the appeal, the applicant submits that the Council has acted unreasonably in procedural and substantive terms, citing two reasons:
 - a) Sensible discussions with the homeowner and the LPA could have avoided a planning application altogether and allowed this to be Permitted Development; and
 - b) not determining the application has caused the homeowners more cost, time and (sic) uncertainty that was unnecessary.
4. Reason a) The appeal is for retrospective approval of development. The application form identifies that no pre-application advice was sought from the LPA by the homeowner or their agent in relation to the application. The application involves the change of use of an outbuilding from a residential use to a mixed tourist and residential use. Accordingly, the form of development proposed would not have allowed the development to be dealt with under The Town and Country Planning (General Permitted Development) (England) Order 2015. I therefore find that the LPA have not acted unreasonably in this regard.
5. Reason b) From the evidence before me, the application was submitted on the 25 October 2024 and subsequently registered by the LPA, with a target date for

determining the application of 20 December 2024. Further evidence identifies the LPA had contacted the appellants agent on 7 February 2025 to advise of progress of the application and the recommendation for refusal. Further evidence of 18 February 2025 advises that the application was submitted and registered as a Householder application, but that owing to the change of use nature of the development, that it should be a full application. The LPA asked the applicant to submit a revised full application form, together with accompanying additional information, as at the present time the LPA could not issue a decision notice as the application was invalid. The appellant chose not to submit the revised application form, and additional information, but rather chose to lodge an appeal against the LPA for non-determination. Whilst the timescale for the determination of the application exceeded the statutory timescale, the LPA had advised the applicant of its progress, and had requested further information, which was not provided by the applicant. I therefore find that the LPA have not acted unreasonably in this regard

Conclusion

6. For the above reasons, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D R Kay

INSPECTOR