



Costs Decision

Site visit made on 23 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 1 December 2025.

Costs application in relation to Appeal Ref: APP/D1265/W/25/3369554 113 Wimborne Road, Corfe Mullen, Dorset BH21 3DU

- 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 Bayview Developments (South) Ltd for a full award of costs against Dorset Council.
 - The appeal was against the refusal of planning permission for erection of four detached dwellinghouses and for alterations to the existing dwellinghouse and erect an associated garage outbuilding.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 PPG makes it clear that a local planning authority may be at risk of a substantive award of costs if it fails to substantiate its reasons for refusal at appeal, and/or makes vague generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The Council, or more specifically its Planning Committee, refused the planning application against officer advice. Whilst a planning committee is entitled to make decisions that are contrary to the officer recommendation, there is an expectation that where this occurs it should show reasonable planning grounds for taking a contrary decision and produce sound, substantive and defensible evidence on appeal to support the decision in all respects.
5. The sole reason for refusal alleges that the proposal would cause harm to highway safety by reason of the quantum of development and narrow width and length of the proposed access.
6. However, for the reasons set out in my appeal Decision, I have concluded that the access is wide enough to allow a car and pedestrian or cyclist or wheelchair user to pass and that there is adequate space at the site entrance to allow a car to wait whilst a car exits the site without causing harm to highway safety, particularly given the likely infrequent nature of such occasions.
7. Whilst there is an element of judgement involved, the Council has failed to produce sound detailed evidence to support its decision that is contrary to the clear advice

of Dorset Council Highways Authority and Planning Officer that followed pre-application advice. This advice clearly concluded that the design of the access track is acceptable as a shared surface due to the low level of activity with the traffic impact minimal in compliance with guidance in the National Planning Policy Framework.

8. Furthermore, the Council has failed to provide a suitably detailed rebuttal of the Appellants technical evidence, particularly with regard to the width of the access and availability of space for vehicles and other users to pass, the frequency of vehicles meeting at the access or analysis of why the available space at the access is insufficient.
9. As a result, I consider that the Council's concerns were overstated and generalised without being supported by suitably detailed objective analysis or reference to specific guidance.
10. I therefore consider that the Council's refusal was not well founded, containing vague and generalised assertions about the proposal's impact, with the result that the Council has been unable to sufficiently substantiate its refusal reason at appeal.
11. Accordingly, I am of the view that unreasonable behaviour as described in the PPG has been demonstrated on the part of the Council and has resulted in the applicant's unnecessary expense in contesting the appeal. A full award of costs is therefore warranted.

Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Dorset Council shall pay to Bayview Developments (South) Ltd, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
13. The applicant is now invited to submit to Dorset Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

C Rose

INSPECTOR