



Costs Decision

Site visit made on 22 October 2025

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Costs application in relation to Appeal Ref: APP/V1260/D/25/3371433 122 Matchams Lane, Christchurch BH23 6AN

- 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 Stuart Ward for an award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission for erection of an ancillary outbuilding alongside a pre-existing boundary wall.
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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. Paragraph 049 of the PPG indicates that local planning authorities will be at risk of a substantive award being made against them for, amongst other things, vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. On substantive grounds, the appellants claim is that the Council acted unreasonably in taking account of immaterial considerations when assessing the development as two dwellings, and in including the boundary wall in its assessment of the impact of the development on the Green Belt and the character of the area. The applicant does not state whether a full or partial award is sought. Nonetheless, by reason of the information contained within the application, I have interpreted it as being one for a full award and have proceeded on that basis.
5. In respect of the consideration of the proposal as two dwellings, I have had regard to the evidence provided by both parties. The appeal proposal is for an ancillary outbuilding, with the plans referring to ancillary accommodation, neither of which describe two separate dwellings. The appellant's planning statement is also clear that the proposed use of the building is part of the accommodation provided by the main dwelling, functioning as a 'granny annexe'. Notwithstanding any previous use of the structure, the development as applied for and advertised would not result in the creation of two dwellings.
6. For these reasons Policies KS1 and KS2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy (2014) (the Core Strategy) insofar as they relate to the

principle of residential development are not determinative to the current appeal. Similarly, Policies ME1 and LN1 of the Core Strategy in relation to the effects of residential development on European Protected Sites and the size of new dwellings respectively are not relevant to the appeal outcome. As such, I conclude that the Council has behaved unreasonably in assessing the application as creating two new dwellings. This has led to unnecessary and wasted expense to the appellant in having to address these matters and reasons for refusal 3, 4, and 5 in their appeal.

7. Whether or not it has been approved as part of another application, the plans accompanying this appeal are clear that the wider boundary wall enclosing the appeal site frontage does not form part of the development being considered. The Council has also therefore behaved unreasonably in taking into account the effects of the full extent of the boundary wall when considering the impact of the development on the Green Belt and the character and appearance of the area.
8. However, the evidence indicates that part of the boundary wall is a structural part of the outbuilding; ducts from within the building vent to its exterior, and there is a visible join at the point where the building meets the southern extent of the wall. It is therefore reasonable to conclude that this part of the boundary wall is part of the proposal. Moreover, while reference is made to the boundary wall more widely, the Council has also clearly set out within its officer report its concerns regarding the wall of the outbuilding as justification for the reasons for refusal in respect of the Green Belt and impact on character. It has related those concerns to relevant development plan policies. I have found in my decision that the Council had reasonable concerns about the impact of the development in these matters.
9. Accordingly, while the Council has behaved unreasonably in taking into account parts of the wider boundary wall in assessing the impact of the development, the evidence indicates that had the Council only taken into account the wall of the outbuilding, the application would still have been refused. As such, the appeal would still likely have been lodged. The applicant has therefore not incurred any unnecessary expense in addressing reasons for refusal 1 and 2.

Conclusions

10. For the reasons given above, unreasonable behaviour by the Council, resulting in unnecessary or wasted expense has occurred in respect of its assessment of the development as two dwellings, and a partial award of costs is therefore warranted.

Costs Order

11. 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 Bournemouth Christchurch and Poole Council shall pay Mr Stuart Ward, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in contesting the third, fourth and fifth of the Council's reasons for refusal; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to the 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.

K Jones INSPECTOR