



Costs Decision

Site visit made on 2 December 2025

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

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Costs application in relation to Appeal Ref: APP/D1265/W/25/3372669

85 Church Road, Three Legged Cross, Wimborne, Dorset BH21 6RQ

- 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 Martyn Hudson for a full award of costs against Dorset Council.
 - The appeal was against the refusal of planning permission to sever plot and erect a new dwelling, remove existing caravan.
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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 refusing the first two planning applications on the basis that they did not comply with green belt policy was shown to be incorrect. The applicant also states that all three applications have been accompanied by sufficient evidence demonstrating that the site does not flood but that this wasn't necessary given that the site is in Flood Zone 1. Furthermore, the applicant states that nearby development was permitted without similar concerns with no evidence produced by the Council to demonstrate that the site is at risk of flooding. As such it is stated that it is considered that the reasons for refusal have nothing to do with flood risk with the Council ignoring the need to provide adequate housing.
4. In response, the Council state that it considered that the first two proposals did not comply with green belt policy but have accepted the Inspectors decision on the second proposal that is reflected in the lack of a reason for refusal related to green belt on the current proposal. Furthermore, the Council state that the recent appeal decision on the site confirmed that it is at risk of groundwater flooding and that the Sequential Test had not been satisfied. The Council states that it offered the applicant an opportunity to address its concerns as part of the current proposal, but in the absence of site-specific testing, its concerns were not addressed, and the Council could not conclude that the site was not at risk of flooding. The Council therefore considers that it acted reasonably, providing sufficient opportunities for the applicant to provide additional information to address the risk of flooding. The Council further state that it agrees that the site is in Flood Zone 1 but nonetheless it is at risk from groundwater flooding therefore requiring a Sequential Test that was

not undertaken. As such, the Council consider that the proposal fails to comply with its planning policy and was refused for this reason.

5. In response to this, the applicant reiterates concerns regarding the previous reasons for refusal related to green belt policy, lack of evidence of flood risk, and refers again to other local development granted planning permission and proposed for future development. Furthermore, the application is accompanied by further details with regard to the risk of flooding from relevant experts, there is reference to the lack of historic flooding and the inclusion of mitigation measures.
6. With regard to the refusal of the previous applications on green belt grounds, I have no substantive evidence before me that the Council did not make its decisions in good faith. The Council has accepted the decision of the previous Inspector with regard to this and has not included a reason for refusal in relation to the green belt in its latest decision. Furthermore, Paragraph 047 of the PPG in relation to Costs states that unreasonable behaviour in relation to procedural matters relates to the appeal stage and not the application process. As such and given that costs can only be given in relation to the current appeal, awarding costs in relation to the previous planning applications and appeal stages does not fall within my remit.
7. The Council have produced evidence that the site is subject to flood risk by reason of the site's location within an 'Area Susceptible to Groundwater flooding'. This is acknowledged within the applicants Flood Risk Technical Note (FRTN).
8. Although I have found in favour of the applicant with regard to the matter of flood risk, with the proposal the subject of the appeal accompanied by evidence in relation to flood risk including the FRTN and letter from Bellamy Roberts, in light of the date of the borehole testing and location of the site within an area at risk of flooding, I do not find the Councils approach, that was based on the need to apply a degree of judgement, to be unreasonable or unjustified. Furthermore, the changes to the PPG in relation to flood risk, that have partly led to my main decision, post-date the previous appeal decision and latest decision by the Council.
9. With regard to the other nearby development at 81 Church Road and a doctors' surgery redevelopment for 6 dwellings I note the Councils evidence explaining that 81 Church Road was for householder development and conversion of a building that was not subject to the Sequential Test, raised concerns regarding increased flood risk, and prior to the publication of its Level 1 Strategic Flood Risk Assessment and revisions to the PPG. I also note the Council's clarification that the zoning of new development up to the site boundary relates to a consultation document for the Dorset Council Local Plan Options that is at a very early stage of production, requires further assessment, carries little weight at this stage and if taken forward would need to be subject of a site-specific flood risk assessment. As a result, the appeal proposal is not directly comparable and, in any case, the Council were required to consider the proposal on its merits. Furthermore, the Council carried out a planning balance but concluded, as it was entitled to do, that the harm from the proposal outweighed the benefits.
10. It follows from the above, that I cannot award costs against the Council's handling of the previous decisions, that I find that the Council accepted the previous Inspectors findings with regard to the Green Belt, and has provided evidence that the site is at risk of flooding. Furthermore, the Council used a degree of judgement to assess the effect of the proposal and supported this with evidence. Moreover, it

carried out a balance of the harm versus the benefits and was not bound by decisions in relation to other sites. As such unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Rose

INSPECTOR