



Costs Decision

Site visit made on 14 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 09 January 2026

Costs application in relation to Appeal Ref: APP/V1260/W/25/3364139 1346 Christchurch Road, Bournemouth Christchurch Poole, Bournemouth BH7 6ED

- 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 D Lowman of Prestige Organisation Limited 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 grant subject to conditions of planning permission for the demolition of a 2-storey side elevation of no.1346 Christchurch Road, sever land and erect an extension to form additional dwelling to the side of existing dwelling. Sever land to the rear and erection a detached 2-storey building comprising 2no.1-bedroom flats, with on-site car parking and provision for bicycle and refuse storage.
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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. It is asserted that the Council failed to process the application expeditiously, delaying the time for a decision to be reached due to changes in personnel. It is further asserted that the final planning officer (PO2) did not take account of discussions between the applicant and a previous planning officer (SPO), following the initial pre-application advice. As a result, the applicant has been forced to appeal against the Council for non-determination, causing the applicant to incur unnecessary or wasted expense in the appeal process.
4. Having examined the evidence before me, the Council provided clear written pre-application advice via PRE-9354 dated 10 April 2024. Whilst the Council acknowledge that further discussion took place with a subsequent senior planning officer (SPO), there is no formal documentary evidence of support for the appeal application from this SPO at the time. Subsequent investigation by the Development Management Manager (DMM), following complaint by the applicant, resulted in the SPO recalling that whilst the scheme had some merits, there were

- issues to resolve around parking, cycle parking and meaningful amenity space for future occupants.
5. It is clear that following the submission of the application, that there were changes to the personnel allocated to deal with the application. This did result in delays to the timeframe for consideration of the application. However, the applicant had agreed an extension to the timescale for a decision with the Council to the 21 March 2025. Whilst the agreed timescale had been exceeded, the applicant was advised on 27 March by the final planning officer (PO2) of their intended decision, which would be to refuse the application. This was less than 1 week later than the agreed date for a decision.
 6. The applicant then raised objections with the DMM, for what they regarded as a contradiction between the intended decision of PO2 with that of their perceived recommendation of the SPO. The DMM advised the applicant of their agreement with PO2's assessment and offered the applicant options to withdraw or amend the application, to seek to address these issues. The applicant chose instead to appeal the application on the grounds of non-determination by the Council.
 7. I find that it is not unreasonable for personnel changes to officers considering planning applications, to take place due to officer's leaving the organisation, or being re-assigned. The evidence before me, does not indicate that the period for consideration of the submitted application was unduly affected by these changes. The advice provided by PO2 in relation to their consideration of, and their intended decision on the submitted application, was consistent with the written pre-application advice contained in PRE-9354.
 8. Even had the SPO provided further written pre-application advice supporting the scheme, PO2, as the allotted officer considering the application, would be entitled to reach a different conclusion. Additionally, the LPA's Development Management Manager, under the powers delegated to them, exercising their Planning and Compulsory Purchase Act 2004 section 38(6) duty, would also have been entitled to reach a different conclusion. I therefore find that the LPA have not acted unreasonably in these regards.
 9. I have also considered whether a partial award should be made, but I reach the same overall conclusion. The Council has provided sufficient evidence across all the grounds and so such an award of costs is also not justified. As I have not found unreasonable behaviour, I do not have reason to consider whether unnecessary or wasted expense has been incurred

Conclusion

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

D R Kay

INSPECTOR