

Costs Decision

Site visit made on 11 October 2016

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 November 2016

Appeal Ref: APP/Q3305/W/16/3154018

Land adjacent to retail unit, 1 Fortescue Street, Norton St Philip, Somerset BA2 7PE

- 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 James Croucher (Lochailort Investments Ltd) for an award of costs against Mendip District Council.
 - The appeal was against the refusal of planning permission for a proposal described as 'Provision of unloading layby in association with adjacent existing retail unit'.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. National Planning Practice Guidance (the Guidance) advises that costs may only 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 appeals process.
 3. The Guidance further sets out that parties in planning appeals and other planning proceedings normally meet their own expenses. Additionally the Guidance is clear that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
 4. The appellant's application for an award of costs states that the Council failed to take into account material considerations in their determination of the application including their suggested fall-back position and the operational and environmental considerations advanced by the appellant.
 5. However, the Council in reaching their decision have adequately demonstrated within their appeal statements, officers report and supporting documents that they considered the appellant's application, including their operational and environmental benefits and the suggested fall-back position in relation to the lack of unloading restrictions on the B3110. Furthermore, the Council's decision making approach was consistent with the pre-application advice that was provided to the appellant. Moreover, there is no substantive evidence to support the appellant's assertion that the planning committee failed to correctly exercise its judgement in making their decision. This is further reinforced as the Council's reason for refusal being directly related to the relevant policy of the Mendip District Local Plan. Therefore, based on all of the information before me, it is clear that the decision made by the Council was founded on
-

their balancing of the evidence before them and the weight that they afforded it.

6. Having reached the conclusions above there is no substantive evidence that demonstrates that the Council have behaved unreasonably in relation to their consideration and determination of the application.
7. In conclusion I find that it has not been demonstrated that the Council behaved unreasonably in determining the planning application and that the appellant's costs in mounting the appeal were not unnecessarily incurred. For this reason, and having regard to all other matters raised, an award of costs is therefore not justified.

Jameson Bridgwater

INSPECTOR