
Costs Decision

Site visit made on 4 January 2017

by David Walker MA MRTPI

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

Decision date: 14th March 2017

Costs application in relation to Appeal Ref: APP/D0121/W/16/3158802 13 Ashford Road, Redhill BS40 5TH

- 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 and Mrs Downton for a full award of costs against North Somerset Council.
 - The appeal was against the refusal of planning permission for extension and alterations to existing dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance 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 occupational dwelling status of the appeal property was not being challenged in the appeal. Therefore, while Policy DM46 referred to by the Council is aimed at new occupational dwellings in the countryside the size restriction that it introduces remains relevant to the proposal. To consider otherwise would nullify the purpose of a policy only recently found to be sound at an independent examination. Of the other policies brought to my attention these are out of date or not applicable to the development applied for. On these grounds I do not find that substantive unreasonable behaviour as described in the Planning Practice Guidance has been demonstrated.
4. The parties disagree over whether an extension of time for the determination of the application was ever agreed. Regardless, the appeal was not brought against the failure of the Council to determine the application within the prescribed period. As the appeal was necessitated by the Council's refusal of permission I do not find that unnecessary or wasted expense has been demonstrated under this element of the claim.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and that an award of costs is not justified.

David Walker

INSPECTOR
