
Costs Decision

Site visit made on 1 August 2017

by K Taylor BSc (Hons) PGDip MRTPI

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

Decision date: 4 August 2017

**Costs application in relation to Appeal Ref: APP/Q3305/W/17/3172995
Land at 32 Orchard Road, Street BA16 0BT**

- 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 Mrs Trebble for a full award of costs against Mendip District Council.
 - The appeal was against the refusal of outline planning permission for residential development with up to 2 single storey dwellings.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that costs may be awarded against a party who has behaved unreasonably and caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application is made on the basis that the development complies with the development plan policies when considered in the round and therefore it was unreasonable for the Council to have refused planning permission. The applicant claims this led to unnecessary and wasted expense in having to lodge an appeal and undertake a marketing exercise.
4. The PPG indicates that local planning authorities will be at risk of an award of costs against them if they prevent or delay development which should clearly be permitted having regard to its accordance with the development plan, national policy, and other material considerations.
5. The Council's Local Plan has been adopted relatively recently and after the publication of the National Planning Policy Framework. It includes a policy to protect existing employment land. That policy is part of a wider strategy to provide sufficient homes, jobs, and other types of development. The evidence in respect of housing completions, supply, and allocations as well as the deficit for employment land indicate that it was not unreasonable for the Council to reach the view that the loss of the site for employment purposes was contrary to the strategy in the development plan. It will be seen from my decision on the appeal that I reached a similar view.
6. I therefore find that unreasonable behaviour, resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

K Taylor

INSPECTOR