
Costs Decision

Site visit made on 11 July 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 22nd August 2017

Costs application in relation to Appeal Ref: APP/R3325/W/17/3171212 Triways, Foldhill Lane, Martock TA12 6PQ

- 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 Martock Farms Ltd for a [partial] [full] award of costs against South Somerset District Council.
 - The appeal was against the refusal of planning permission for residential development of up to 24 dwellings.
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Decision

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

Reasons

2. Planning Practice Guidance ("the PPG") advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The appellant essentially relies on the Council having failed to follow the advice of its officers and substantiate with full and detailed evidence its reasons for refusal. In doing so, the appellant claims the Council has delayed development which should clearly have been permitted.
4. The Council's decision notice provides a single reason for refusal; that being impact on the surrounding sensitive landscape. This is a matter of judgement for the decision maker. In this case officers recommended approval and were satisfied that the impact on the landscape could be suitably mitigated. Members, however, took a different view and considered the impacts to be too great. This is a decision that they were entitled to reach. Nevertheless, while the Council is not required to follow the advice of its professional officers, if a different decision is reached by members, the Council has to demonstrate *on planning grounds* why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
5. In formulating this reason for refusal, the case put forward by the Council was cogent and not without merit. Concerns were expressed on the breaching of the boundary provided by the former railway line and evidence on the sensitivity of the landscape was provided in the form of the Peripheral Landscape Study. While my decision makes clear that I do not agree with the Council's assessment of its impact, it is not *unreasonable* for the Council to reach the conclusions that it did.

6. Accordingly, I do not consider the Council has failed to substantiate its reasons for refusal or has acted unreasonable in the circumstances.

Conclusion

7. For the reasons set out above, I conclude that an award of costs is not justified.

Rory Cridland

INSPECTOR