
Costs Decision

Site visit made on 14 November 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 24 November 2017

Costs application in relation to Appeal Ref: APP/F0114/D/17/3181580 32 Broadmoor Lane, Upper Weston, Bath BA1 4JY

- 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 Gillian Wyon for a full award of costs against Bath & North East Somerset Council.
 - The appeal was against the refusal of planning permission for creation of driveway and access.
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Decision

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

Procedural Matter

2. I have taken into account the Government's Planning Practice Guidance (PPG), issued on 6 March 2014, in reaching my decision.

Reasons

3. 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 or wasted expense in the appeal process.
4. The applicant claims that the Council acted unreasonably by not contacting her or entering into any discussions during the planning application process, including arranging a site visit, and that had it done so she could have re-submitted plans.
5. In respect of the site visit matter, the Council reasonably would have been able to see the site sufficiently from the public highway so as to prevent the need to arrange to go onto the site. The Council was not obliged to enter into negotiation with the applicant during the planning application process, particularly as it was deemed that the matters of concern could not be resolved. Furthermore, the Council acted reasonably in contacting the applicant's agent prior to the decision being taken, informing him of the intention to recommend refusal of the application.
6. In conclusion, for the above reasons, I find that the Council did not behave unreasonably in determining the application and that, therefore, the applicant's costs in pursuing the appeal were not unnecessarily incurred or wasted. For

this reason, and having regard to all other matters raised, neither a full or partial award of costs is justified.

Andrew Dawe

INSPECTOR