



Costs Decision

Site visit made on 21 November 2017

by Elizabeth Jones BSc (Hons) MCTP MRTPI

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

Decision date: 08 January 2018

Costs application in relation to Appeal Ref: APP/D0121/C/17/3181567 3 Jacklands Cottages, Clevedon Road, Tickenham BS21 6SG

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Aaron Joseph Macfarlane for a full award of costs against North Somerset Council.
 - The appeal was against an enforcement notice alleging the creation of a vehicular access onto a classified road and associated engineering operations to create an off street vehicular parking area.
-

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellant refers to a previous appeal [Ref APP/D0121/C/17/3179348] against an enforcement notice which on the advice of the Planning Inspectorate was subsequently withdrawn and the enforcement notice re-issued. The appellant seeks costs incurred in relation to his previous appeal against the enforcement notice on the basis that it included submissions to defend the appeal on ground (e) and involved having to resubmit his appeal following withdrawal of the first enforcement notice. It is too late for the appellant to claim costs on this previous appeal because it was withdrawn.
4. In relation to the current appeal, the appellant submits that in the event of my finding the enforcement notice invalid a full award of costs should be awarded on the basis of having to defend an invalid notice.
5. As detailed in my decision, I have found that the notice can be corrected without causing injustice to either party and therefore is not invalid. Thus, the costs incurred by the appellant in pursuing the appeal were the normal costs arising when the right of appeal is exercised.
6. For the above reasons, and with regard to all other matters raised, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Elizabeth Jones

INSPECTOR