



Costs Decision

Site visit made on 11 February 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2019

Costs application in relation to Appeal Ref: APP/F0114/W/18/3213784 6 Madams Paddock, Chew Magna, Bristol BS40 8PN

- 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 Andy Bamford for a full award of costs against Bath & North East Somerset Council.
 - The appeal was against the refusal of planning permission for the demolition of the existing dwelling, associated garage and greenhouse, followed by the erection of a new dwelling and garage, associated landscape and drainage works.
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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. The PPG also clarifies that costs cannot be awarded for the period during the determination of the planning application but behaviour and actions at the time can be taken into account in considering whether or not costs should be awarded.
3. I note that the application process, including obtaining pre-application advice was fairly lengthy. I also understand that the appellant feels that some Council officers pre-judged the proposal, did not objectively assess it with reference to the site or review their position on the application following the receipt of feedback from the design review panel (DRP).
4. However, the Council's officer report makes numerous references to the DRP comments and goes on to give reasons why the proposal was considered by the Council to be unacceptable. It is also clear from the committee minutes that the DRP comments were in the mind of the committee members. Therefore, I find that there is no robust evidence that the Council did not have due regard to the comments of the DRP when considering the application.
5. Whilst a revised scheme may have since received the initial support of Council officers, there is limited evidence before me as to the similarities or otherwise to the appeal scheme. In any case, the acceptance of an alternative proposal does not indicate wasted expense in the appeal process in respect of the current appeal.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated.

M Bale

INSPECTOR