



Costs Decision

Hearing held on 26 June 2019

Site visit made on 26 June 2019

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 10 July 2019

Costs application in relation to Appeal Refs: APP/F0114/C/17/3187755, C/18/3187756, W/17/3187860 and W/17/3191382

Pipley Bottom Farm, North Stoke Lane, Upton Cheyney, Bristol BS30 6NG

- The application is made under the Town and Country Planning Act 1990, sections 78, 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr L Preece for an award of costs against Bath & North East Somerset Council.
 - The hearing was in connection with an appeal against an enforcement notice alleging 'the change of use of land from agriculture to a mixed use of agriculture and residential through the siting of metal containers for residential purposes', an appeal against refusal of planning permission for 'the erection of temporary agricultural workers dwelling', and an appeal against refusal of prior approval for 'erection of side extensions to existing agricultural barn and a separate shed'.
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Decision

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

The submissions for Mr L Preece

2. The application for an award of costs was made in writing and no aural submissions were made at the Hearing.

The response by Bath and North East Somerset District Council

3. The response to the application for an award of costs was made in writing and no aural submissions were made at the Hearing.

Reasons

4. The Planning Practice Guidance (PPG) 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.
5. An important factor to note from the previous paragraph, is that an application for an award of costs applies only to costs incurred 'in the appeal process'. Much of the written application for costs relates to the Council's handling of the two applications, and anything that occurred at application stage for the planning application and the prior approval application is not relevant to the claim for costs. The Council has complied with the appeal timetables and they did not act unreasonably in applying for extensions to submission dates when necessary. In any event, in this regard, the Appellant has not been disadvantaged and has not therefore incurred unnecessary expense.

6. The Council is entitled to take enforcement action against anything that they consider to be a breach of planning control, if that action is expedient and in the public interest. There is nothing in evidence to indicate that enforcement action in this case wasn't expedient, in this regard the Council is not a consultancy and is only required to respond to submitted applications, and seeking to remedy unauthorised development in the Green Belt must be regarded to be in the public interest. The action taken will have caused stress for the Appellant and his family, and may have caused some expenses to be incurred, but the enforcement action taken cannot be considered to have constituted unreasonable behaviour. Applications submitted and unauthorised development detected are considered on the circumstances of each individual case. Development occurring elsewhere is seldom significant and, particularly given the specific circumstances pertaining to Piple Bottom Farm, in this case is not relevant.

7. There is nothing in evidence to indicate that the Council has acted unreasonably and the Appellant has not therefore incurred unnecessary expense. The application for an award of costs thus fails.

John Braithwaite

Inspector