



Costs Decision

Site visit made on 16 July 2019

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Costs application in relation to Appeal Ref: APP/D0121/W/19/3227975 Land to the south of Camelot Cottage, Duck Street, Churchill

- 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 David Sacof of Cheracord for a full award of costs against North Somerset Council.
 - The appeal was against the refusal of planning permission for a single dwelling with a detached garage and associated works.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance on Appeals (the 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. I have summarised the grounds for the costs application as follows:
 - (i) The council failed to determine the planning application subject of the appeal in a timely manner;
 - (ii) The council refused to meet with the appellant to discuss the planning application during the course of its determination; and
 - (iii) The council ignored Churchill Parish Council's support of the application.
4. With regard to grounds (i) and (ii), these matters relate to the conduct of the council during the determination of the planning application. In this regard, I note the guidance provided in paragraph 033 of the PPG. This advises that, whilst behaviour and actions at the time of the planning application can be taken into account when considering whether or not costs should be awarded, costs cannot be claimed for the period during the determination of the planning application. Accordingly, the appellant's claims under (i) and (ii) with regard to the conduct of the council during the determination of the planning application are not before me in this decision.
5. Furthermore, and having regard to paragraph 049 of the PPG, whilst there may have been a delay in the determination of the planning application, I have

- dismissed the appeal and, as such, an untimely decision in this case has not resulted in the delay of development that should clearly be permitted.
6. With regard to matters (i) and (ii) above, as these relate to the council's conduct prior to the determination of the planning application, I conclude that the council has not behaved unreasonably during the appeal process.
 7. Notwithstanding this, it is not suggested that the council would have approved the planning application subject of this appeal had it determined the application sooner or attended meetings with the appellant prior to its determination. Accordingly, had the council behaved differently, the appellant would not have been in a different position prior to the submission of this appeal. As such, the appellant has not incurred unnecessary or wasted expense in making the appeal.
 8. Turning to ground (iii) of the costs application, I can see that the council made reference to Churchill Parish Council's representation in the officer's report. Whilst there was no specific mention of the representation in the assessment section of the report, this is not surprising as the parish council gives limited reasons for the conclusion that it supports the planning application. Notwithstanding this, the council are entitled to make decisions that run contrary to the representations of parish councils and I am satisfied that sufficient justification has been provided by the council for doing so in this case.
 9. To conclude on all matters, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. Accordingly, an award for costs is not justified.

J Moss

INSPECTOR