



Costs Decision

Site visit made on 27 June 2019

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Costs application in relation to Appeal Ref: APP/D0121/W/19/3226485 Land to the west of Ladymead Lane, Langford BS40 5EF

- 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 Oakwood New Homes Limited for a full award of costs against North Somerset Council.
 - The appeal was against the refusal to grant planning permission for erection of 9 dwellinghouses.
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Decision

1. The application 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.
3. Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant states that the appeal was unnecessary, having regard to the fact that the Planning Committee overturned the recommendation of approval by the planning officer, despite the lack of objection from relevant technical consultees.
5. It is the right of the Members of the Planning Committee to consider the recommendation of their professional officers and consultees but decide to refuse, as has happened with this case. The applicant, in their costs application, acknowledge this. The Planning Committee did not agree with the officer's recommendation that the proposals should be supported, because of the effect on local character; highway safety and flood risk.
6. Despite having allowed this appeal, I have considered the Council's case in light of each of the three refusal reasons in the decision notice. I consider the Council's submissions have been well reasoned, and are supported by a range of evidence, including the use of recent local appeal decisions. The Council

have concluded against the relevant development plan policies and relevant parts of the National Planning Policy Framework.

7. There was a significant level of third party objection to the proposals, and this in turn has been supported by evidence including photos of flooding, congestion and traffic congestion issues along Ladymead Lane. Members will (and not unreasonably) have taken this into consideration along side the officer's report and reached a decision on that basis, as they are entitled to do.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Sian Griffiths

INSPECTOR