



Costs Decision

Site visit made on 19 August 2019

by M Harris BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2019

Costs application in relation to Appeal Ref: APP/Q3305/W/19/3226386 The Old New Inn, Priddy Green, Priddy, Cheddar BA5 3BB

- 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 Russell Sage (Russell Sage Studio Ltd) for a partial award of costs against Mendip District Council.
 - The appeal was against the refusal of planning permission for the change of use land from residential curtilage to formation of guest car park and erection of outbuilding for purposes ancillary to The Old New Inn.
-

Decision

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

Procedural Matter

2. The application for costs was made within the appellant's final comments submission. The Council were provided with an opportunity to comment on the application however no response was received within the deadline nor in response to a final opportunity. As a result, there has been no exchange of arguments.
3. I have made my decision based on the argument set out in the application for costs, my assessment of those grounds and considering the wider evidence submitted by the Council in respect of the appeal. I am satisfied that I have been able to have adequate regard to sufficient evidence in order to reach my decision.

Reasons

4. I have considered this application for costs in light of the Government's Planning Practice Guidance (PPG). This advises that an award of costs against a local planning authority may be procedural, relating to the appeal process, or substantive, relating to the planning merits of the appeal. It makes it clear that a local planning authority are required to behave reasonably in relation to both of these elements and provides examples of unreasonable behaviour¹.
5. In relation to substantive behaviour they include unreasonably refusing planning applications and not having regard to relevant matters. In this particular case, the appellant considers that the Council has failed to substantiate the second reason for refusing the application which related to the

¹ Paragraph: 047 Reference ID: 16-047-20140306 and Paragraph: 049 Reference ID: 16-049-20140306

impact of the proposal on the character and appearance of the countryside and the Mendip Hills Area of Outstanding Natural Beauty (the AONB). Furthermore, it is stated that the Council have failed to challenge the appellants appeal statement in respect of this matter, in particular paragraphs 6.10 to 6.23.

6. From my review of the evidence put forward, I consider that the Council's position regarding the proposal is clear. At the application stage, the Officer's assessment of the case contained in their formal recommendation clearly addressed matters relating to the AONB, both in respect of the Local Plan policy position (Policy DP4) and the National Planning Policy Framework (the Framework). The assessment clearly discusses the context within which development will be considered together with the specific impact of the proposal.
7. Within the Council's appeal statement, whilst I acknowledge that there is no specific cross reference to the aforementioned sections of the appellants grounds for appeal, it is clear that there are further references to relevant Local Plan policy together with the Framework. The Council clearly rely on their earlier assessment that, in their view, the development proposed would in principle be unacceptable. Based on the position advanced by the appellant in support of the appeal, there was sufficient coverage of the relevant matters at that time in order to reach a decision.

Conclusion

8. In light of the above, the Council's case in respect of their second reason for refusal is clear when considering their submissions as a whole. For this reason, the Council have not acted unreasonably and I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and an award of costs is not justified.

M Harris

INSPECTOR