
Costs Decision

Site visit made on 1 October 2019

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2019

Costs application in relation to Appeal Ref: APP/Q3305/W/19/3231693 E:349318 N:139491 Dyehouse Lane, Glastonbury BA6 9QS

- 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 Simon Harding for a full award of costs against Mendip District Council.
 - The appeal was against the refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use and conversion of an agricultural building to dwellinghouse use class C3.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant refers to his subsequent application for prior approval¹ on 11 July 2019, for a development similar to the appeal proposal, which cited 20 appeal decisions in support of his case similar to those referenced in his appeal statement. He considers that the Council failed to properly take these decisions into account prior to refusing the application on 30 August 2019. On that basis, there was no opportunity to withdraw the appeal.
4. Planning Practice Guidance indicates that local planning authorities will be at risk of an award being made for not reviewing their case promptly following the lodging of an appeal against refusal of planning permission, as part of sensible on-going case management.
5. The appeal statement² submitted by the Council confirmed that it primarily relied on the officer report but did explicitly refer to the allowed appeal decisions relating to other Class Q applications referred to by the applicant in his appeal statement. It stated that *'Each of the cases referred to differs in terms of structural and conceptual matters to the appeal building, and furthermore it is established in planning law that each case must be judged on*

¹ Reference 2019/1723/PAA

² Letter dated 2 September 2019

its own merits. Therefore the LPA would advise that minimal weight should be afforded to this evidence base.'

6. This is consistent with the Council's approach evident in the officer report for case 2019/1723/PAA where it is stated '*The applicant has supplied a list of appeal cases that were allowed by the Planning Inspectorate in support [of] their application. Having reviewed these applications, there are varying features with each which would set it apart from the application in question.'*
7. I appreciate that the applicant disagrees with the Council in terms of the weight and relevance of the appeal decisions. However, this does not necessarily point to unreasonable behaviour as the main issue related to an exercise of planning judgement and the evidence indicates that the Council took account of the submission both in their response to the appeal and the subsequent prior approval application. As will be seen from my decision, the appeal decisions referred to, although of relevance, did not lead me to allow the appeal based on its merits.
8. Therefore, the appeal provided an opportunity to test the planning judgement made by the Council and the appellant has not been put to unnecessary or wasted expense in doing so.

Conclusion

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

Helen O'Connor

Inspector