
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/19/3232881 Crossways Inn, Stocks Lane, North Wootton, Shepton Mallet BA4 4EU

- 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 Matthew Hailingbiggs of Brick Peers Ltd for a full award of costs against Mendip District Council.
 - The appeal was against the refusal of planning permission for the change of use of land for siting a tourism development of 7no. self-contained lodges and associated infrastructure.
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Decision

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

Reasons

2. Planning Policy Guidance (PPG) 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 application essentially relies on the fact the Council Officers recommended that planning permission be granted for the proposal, but that the Council's Planning Board took a different course of action without adequately demonstrating their reasons for doing so.
4. The PPG further states that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal on appeal or make vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
5. In this case I have noted the recommendation of the Council's Officers. However, the decision regarding the impact on the character and appearance is primarily a matter of judgement. The reason for the refusal set out in the decision notice is reasonably precise and specific as to the nature of the harm found and it clearly states the policies of the development plan that the proposal would be in conflict with.
6. Furthermore, the refusal reason has been adequately substantiated by the Council in its Statement of Case. Although I accept that the Council did not identify specific viewpoints within their evidence, reference is made to policy DP4 of the Mendip District Local Plan, Part 1: Strategy and Policies 2006-2029,

December 2014 which cross references the Landscape Character Areas detailed in the Landscape Assessment of the Mendip Hills, 1997. It is specifically stated that it is the siting of the lodges beyond the natural curtilage of the Crossways Inn onto open farmland that the Council consider would not be compatible with the pattern of man-made features of the landscape character area the appeal site sits within¹. It is further indicated at paragraph 2.13 that the Council do not accept that using conditions to control landscaping or external materials would make the proposal visually acceptable.

7. It will be seen from my decision that I agree with the conclusions of the Council's Planning Board that there were sufficient grounds for refusing planning permission relating to the harm to the character and appearance of the area. It follows that I am satisfied that the Council has shown that it was able to substantiate its reason for refusal.
8. As a result, I cannot agree that the Council has prevented development which should clearly be permitted or acted unreasonably in this case. As such the applicant was not put to unnecessary or wasted expense in testing the decision at appeal.

Conclusion

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

Helen O'Connor

Inspector

¹ Paragraph 2.11 Council's Statement of Case, August 2019