
Costs Decision

Site visit made on 10 September 2019

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Costs application in relation to Appeal Ref: APP/V3310/W/19/3229178 Land north of Walrow, Walrow, Highbridge TA9 4AB

- 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 Thorner of Flower and Hayes Ltd for a full award of costs against Sedgemoor District Council.
 - The appeal was against the refusal of the Council to grant planning permission for erection of 47 dwellings, with garages, formation of accesses and ancillary works.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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. The applicant claims that the Council acted unreasonably on the grounds that Members resolved to refuse the planning application against the recommendation of their officer, and did so without proper justification.
4. In the first instance, Members are not bound to accept the recommendations of their officers. They are therefore entitled to reach a different decision.
5. The nature of the refusal meant that there was no accompanying officer report fully explaining the reasons for refusal. This information is also not provided in the Committee minute. However, the minute is clearly not a transcript of the discussion which occurred at Committee. In none of these regards is the case unusual. Furthermore, I am satisfied that the Council has, as required, fully substantiated its reasons for refusal within its appeal statement.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Conclusion

7. For the reasons set out above I conclude that the application for an award of costs should be dismissed.

Benjamin Webb

INSPECTOR