



Costs Decision

Site visit made on 16 December 2019

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2020

**Costs application in relation to Appeal Ref: APP/H3320/W/19/3238155
Burton Springs Fishery and Campsite, Lawson Farm, Shurton Road,
Stogursey, Somerset TA5 1QB**

- 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 A Hilling for a full award of costs against Somerset West and Taunton Council.
 - The appeal was against the refusal of planning permission for change of use to caravan site for touring caravans, motor homes and tents without complying with a condition attached to planning permission Ref 3/32/18/037, dated 12 February 2019.
-

Decision

1. The application is refused.

Reasons

2. Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party 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. This application was made based on a few different points. Firstly, there is the issue that the application to replace the disputed condition was based on some advice from Council Officers. However, it is my understanding that this was informal advice about the options available to pursue and was not binding on the Council to ultimately approve a subsequent application.
5. Furthermore, the applicant explains that there was a lack of communication from the Council. I acknowledge that the applicant would have wished to negotiate and try to resolve any issue the Council had before determination. However, I am not satisfied that even if there had been better levels of communication through the planning application process then this would have necessarily changed the ultimate decision of the Council. I am content that the Council had all the information it needed and there is no substantive evidence that the planning application was not considered professionally, fairly or impartially.

6. Any discussions about possible solutions after the decision had been issued would have been too late to alter that decision. This would have to had been done through a new application to the Council.
7. Finally, I recognise that the applicant is in receipt of a Camping Licence, but this is separate from the planning process. If the licencing department of the Council issue this licence it is likely they have different considerations to that of the planning department, who would need to make decisions based on planning policy, which I am satisfied they have done.
8. I have concluded that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

S. Rennie

INSPECTOR