



Costs Decision

Site visit made on 17 December 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Costs application in relation to Appeal Ref: APP/D1265/W/19/3239064 Field south of Bredy Road, opposite Bredy Farm, Bridport, Dorset

- 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 Graston Copse Holiday Park Ltd and Larkfield Caravan Park Ltd against for a full award of costs against Dorset Council and J Harris (J S Mallinson and Partners).
 - The appeal was against the refusal of planning permission for the erection of L-shaped pole barn, and change of use of the field and barn from agricultural use to agricultural use plus occasional use for 3-day festival events during the summer months (during May to early September).
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Decision

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

Reasons

2. The Planning Practice Guidance¹ (the PPG) advises that costs may be awarded where a party has behaved unreasonably and thereby directly caused another party to incur unnecessary or wasted expense in the appeal process. The PPG lists different types of behaviours which may give rise to a substantive and/or procedural award against local planning authorities or appellants.
3. The applicants raise a number of concerns in respect of the procedural requirements associated with the validation and processing of the planning application, as well as the appeal process. The applicants also consider that the appellant has failed to provide sufficient evidence in respect of the noise associated with the appeal development, to enable the Council to assess the effect on the living conditions of neighbouring occupiers, which include local residents and visitors to Graston Copse Holiday Park and Larkfield Holiday Park.
4. Furthermore, the applicants consider that the appeal development has not been designed as an agricultural building, and that the Council's Case Officer should have advised the appellant that her arguments about the building held no planning merits. Lastly, it is argued that the parties failed to establish with certainty whether there was a fallback position.
5. As noted above, the concerns raised within the application for costs partly relate to the merits of the case, notably in respect of noise issues, need for an agricultural building and fallback position. However, as noted within the PPG², it

¹ Paragraph: 030 Reference ID: 16-030-20140306.

² Paragraph: 056 Reference ID: 16-056-20161210.

- is not anticipated that awards of costs will be made in favour of, or against, other interested parties, other than in exceptional circumstances. An award will not be made in favour of, or against interested parties, where a finding of unreasonable behaviour by one of the principal parties relates to the merits of the appeal.
6. In response to the procedural considerations raised by the applicants, it is noted that the description of development was amended by the Council during the course of the application. Whilst this would have required the appellant's agreement, the changes to the description of development were relatively minor and would not have necessitated a further period of public consultation.
 7. It is accepted that the Council should have acted more proactively in publicising documents associated with the planning application and the appeal. Nevertheless, having regard to the evidence before me, the applicants and other interested parties do not appear to have been prejudiced in that regard, and were able to express their views and concerns, both during the application and the appeal process.
 8. I appreciate that the applicants, as well as other interested parties, may have incurred costs by seeking planning advice and/or employing a consultancy firm to submit representations on their behalf. However, the PPG³ clearly states that parties in planning appeals and other planning proceedings normally meet their own expenses. Additionally, this application for costs fails to demonstrate that there are exceptional circumstances in this case, along with procedural unreasonable behaviour from the main parties, which led directly to unnecessary or wasted expense in the appeal process.
 9. I therefore find that unreasonable behaviour or wasted expense, as described in the PPG, has not been established. On this basis, I conclude that an award of costs is not justified.

S Edwards

INSPECTOR

³ Paragraph: 028 Reference ID: 16-028-20140306.