
Costs Decision

Site visit made on 26 November 2019

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Costs application in relation to Appeal Ref: APP/W3330/W/19/3236069 The Barn, Ayton Fields, Hillfarrance, Taunton TA4 1AN

- 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 and Mrs Strickland for a full award of costs against Somerset West and Taunton Council.
 - The appeal was against the refusal of planning permission for the “retention of caravan as ancillary to agriculture for use as a rest and office space in connection with the agricultural use of the site”.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice 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 directly caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour in this context may be procedural, relating to the appeal process, or substantive, relating to issues arising from the merits of the appeal.
3. The applicants’ case centres around the Council’s reason for refusal and the reference to an “absence of supporting information”. The applicants argue that it was unreasonable for the Council to refuse the application based on a lack of information without first giving them the opportunity to provide further supporting evidence, and that had this occurred the appeal may have been avoided. Email correspondence has been submitted by the applicants detailing their attempts to ascertain whether Council had any substantial concerns or need for further information during the application process.
4. Whilst the Council’s reference to an “absence of supporting information” is questionable, the Council’s reason for refusal clearly sets out their fundamental objection to the development. The Council considered the mobile home and attached deck to be domestic in nature, and therefore contrary to their classification of an appropriate agricultural building and the sustainable form of development in the open countryside. Based on the evidence provided, it would have been unlikely for the Council to have reached an alternate decision unless the applicant fundamentally altered the application to not include the mobile home and attached deck.

5. The Council should have responded to the applicants earlier in the application process and more clearly communicated their fundamental objection to the development. Notwithstanding this, I am satisfied that this did not represent unreasonable behaviour in this instance for the reasons above.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, as not been demonstrated. For this reason the application for the award of costs is refused.

J Gibson

INSPECTOR