



Costs Decision

Site visit made on 8 January 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2020

Costs application in relation to Appeal Ref: APP/R3325/W/19/3235472 Land off Orchardleigh, East Chinnock, Yeovil BA22 9DZ

- 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 T Clare for a full award of costs against South Somerset District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the erection of a 2-storey detached house with three on site car parking spaces.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, 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. The applicant considers that the Council acted unreasonably in relation to both procedural and substantive matters.
3. The target determination date for the planning application was 5 March 2019. The Council failed to determine the planning application by that date and the applicant subsequently appealed the Council's failure to give notice of its decision. The Council's appeal statement did not explain the reasons for failing to make a decision within the prescribed period. However, other evidence submitted with the appeal and the Council's comments on the costs application show that the Council identified that the submitted ecology report needed updating before the planning application could be determined, and informed the applicant of this during the determination period. Although an updated report was subsequently submitted to the Council, it was provided after the target determination date.
4. This indicates that there was a substantive reason to justify delaying the determination beyond the prescribed period. The correspondence submitted with the appeal shows that the Council, although not responding on all occasions, particularly so following the passing of the determination date, did communicate with the applicant prior to and after that point. The Council's appeal statement also sets out its position as to why permission should not be granted, with regard to the development plan, national policy and other material considerations. Accordingly, it is not apparent that better

communication with the applicant would have enabled the appeal to be avoided altogether.

5. I have come to a different conclusion to the Council and have allowed the appeal. However, this does not mean that the Council's position, set out in its appeal statement, was unsubstantiated or contained vague, generalised or inaccurate assertions about the impact of the proposed development. Nor does it signify that the development should clearly have been permitted with regard to the development plan, national policy and any other material considerations.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Tobias Gethin

INSPECTOR