
Costs Decision

Site visit made on 2 June 2020 by Scott Britnell MSc FdA

Decision by R C Kirby BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2020

Costs application in relation to Appeal Ref: APP/W3330/W/20/3245967 Pen Elm, Minehead Road, Norton Fitzwarren, Taunton TA2 6PD

- 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 Mrs Sheryl Hunt for a full award of costs against Somerset West and Taunton Council.
 - The appeal was against the refusal of planning permission described as the subdivision of the existing dwelling to create a separate dwelling within a domestic outbuilding.
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Decision

1. The application for costs is refused.

Application Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the application.

Reasons for the Recommendation

3. The Planning Practice Guidance 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.
4. The applicant suggests that the Council, in reaching the conclusion that it has, has prevented or delayed development which accords with the development plan, national policy or any other material considerations. She suggests that the policies of the development plan should be afforded limited weight, as they are inconsistent with the National Planning Policy Framework (Framework), specifically paragraph 79d.
5. Whilst I did not agree with the parties that the proposal would result in an isolated home in the countryside, I am satisfied that the Council substantiated its reasons for refusing the planning application at the planning appeal stage, making reference to the relevant policy of the development plan and addressing the matters raised by the appellant with regard to Framework paragraph 79d. It did not act unreasonably in this regard.
6. The applicant also suggests that the Council has failed to determine similar cases in a consistent manner, referring to a number of examples where she considers the same issues apply which have been granted planning permission. Within its evidence the Council has substantiated its approach in respect of this issue, highlighting the difference between the examples referred to and setting

out why a different decision was reached in this case. Indeed, I found that the circumstances of the examples referred to differ from the proposal before me. It did not act unreasonably in this regard.

7. It is submitted that the Council did not take proper account of the fall-back position to use the building as a residential annexe. I find that the Council considered this matter in its officer's report, appeal statement and response to this costs application and therefore substantiated its position in regard to this matter. It did not act unreasonably in this regard.
8. In light of the above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Conclusion and Recommendation

9. For the reasons given above, I recommend that the application for costs should be refused.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for costs is refused.

RC Kirby

INSPECTOR