
Costs Decision

Site visit made on 7 July 2020

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 30 July 2020

Costs application in relation to Appeal Ref: APP/R3325/W/20/3247257 41 Percy Road, Yeovil BA21 5AJ

- 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 Dominic Macer (RPS Asset Management Ltd) for a full award of costs against South Somerset District Council.
 - The appeal was against the refusal of planning permission for the change of use of existing dwelling into a HMO, the erection of a new dwelling and conversion of existing garage into a new dwelling.
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Decision

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

Preliminary Matters

2. The above description has been taken from the submitted appeal form and the Council's decision notice. This description more clearly and succinctly describes the appeal proposal than that on the application form. The costs application has been determined on this basis.

Reasons

3. 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.
4. The applicant contends that the Planning Committee for South Somerset District Council acted unreasonably in deciding to refuse the proposed development contrary to the recommendations of Planning Officers and statutory consultee comments.
5. Notwithstanding my conclusion on the related appeal, the Council's Planning Committee are entitled to make an informed decision as the Planning Authority contrary to the advice of Planning Officers and statutory consultees. The reason for refusal and subsequent statements of case clearly detail the Council's identified policy conflicts and material considerations for reaching their decision on the application. It is important to note that whilst the Highway Authority did not object to the proposed parking provision for the

development, they did acknowledge that there was a fine balance and encouraged the applicant to provide additional parking spaces if possible.

6. Nevertheless, the Council's Planning Committee decision to assign greater weight to the perceived under supply of on-site parking in light of local on-street parking characteristics does not in my view equate to unreasonable behaviour.

Conclusion

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

J Gibson

INSPECTOR