



Costs Decision

Site visit made on 14 July 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: 2 September 2020

Costs application in relation to Appeal Ref: APP/F0114/D/20/3249862 Friars Gate, Sharpstone, Freshford, Bath BA2 7UA

- 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 B Abrahams for a full award of costs against Bath and North East Somerset Council.
 - The appeal was against the refusal of planning permission for proposed double garage to replace single garage.
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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 have erroneously considered the planning application against Paragraph 145 d) of the National Planning Policy Framework (the Framework), which is concerned with replacement buildings in the Green Belt. He considers that it should have been assessed as an extension to an existing building and considered against Paragraph 145 c) of the Framework.
5. I have found that the Council were correct to assess the proposal as a replacement building and to consider it against Paragraph 145 d) of the Framework. I have set out my reasoning in full in respect of the substantive appeal to which this costs application relates. While I do not need to repeat that here, I consider that the Council substantiated their decision in this matter within their report. Moreover, while they did not refer to the proposed garage as a normal domestic adjunct, it is clear that they treated it as such.
6. 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

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

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

8. 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