
Costs Decision

Site visit made on 3 August 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 September 2020

Costs application in relation to Appeal Ref: APP/R3325/W/20/3248873 Chataway House, Leach Road, Chard TA20 1FR

- 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 Steven Beasant (Energy Drop Zone Ltd) for a full award of costs against South Somerset District Council.
 - The appeal was against the refusal of planning permission for 5 new houses.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) 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.
3. The application for costs is founded on the allegation that the Council acted unreasonably during the course of the planning application, by offering contradictory advice, and by not following the agreed scheme of delegation. This, it is contended, has resulted in wasted time and costs in pursuing the appeal.
4. The evidence indicates that the planning application process was quite protracted, and somewhat frustrating for the appellant. However, the Council's letter dated 17 May 2019 was unequivocal in its advice on the likely refusal of the application. The appellant chose not to withdraw the application, as suggested, but to allow it to be determined. This was not an unreasonable course to take, but the likelihood of it leading to a refusal of the application must have been evident.
5. The Council has produced evidence to show that the delegated report, recommending refusal, was referred to the Ward Member, who raised no objection. On the evidence before me, therefore, the application was dealt with in accordance with the Council's delegation agreement.
6. The PPG makes it clear that costs cannot be claimed for the period during the determination of the planning application¹. However, all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal,

¹ Paragraph: 033 Reference ID: 16-033-20140306

behaviour and actions at the time of the planning application can be taken into account in my decision on whether or not costs should be awarded.

7. On the evidence before me, it appears that, at the time of the application, the Council engaged with the appellant in overcoming concerns regarding the number of car parking spaces and their layout. However, other matters, relating to the impact on the character and appearance of the area, were insurmountable without fundamental changes that would have required a new planning application. Whilst the determination of the application took longer than it should, the likely outcome was clearly signposted, and the decision was made in accordance with adopted procedure.
8. I have concluded in my decision that the Council's concerns regarding the impact of the development on the character and appearance of the area were well-founded. The behaviour or actions of the Council at the time of the application have not, therefore, led to any additional costs to the appellant in pursuing the appeal.
9. Consequently, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Nick Davies

INSPECTOR