



Costs Decision

Site visit made on 22 September 2020

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 3 November 2020

Costs application in relation to Appeal Ref: APP/D0121/W/20/3251941 Land at Bridgwater Road, Bleadon, Weston-Super-Mare

- 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 Ashley Park for a full award of costs against North Somerset Council.
 - The appeal was against the refusal of planning permission for the “retention of agricultural store building”.
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Decision

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

Reasons

2. 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.
3. The applicant contends that the Council acted unreasonably in deciding to refuse the development and should have approved it in the first instance to avoid the need for the appeal. Informing this view, the applicant suggests that the Council should have requested further information if it were necessary to determine the application, that the application was determined in an unreasonably short timeframe, the scheme was assessed as a non-agricultural building, that the Council’s decision was inconsistent with other identified planning permissions, and that the Council took an unreasonable amount of time to register the application.
4. The Council’s delegated report demonstrates that a full and complete assessment of the development, as described on the submitted application form, was carried out with consideration for the relevant material considerations. The Council’s subsequent reasons for refusal clearly identify the harm resulting from the development, the deficiencies in the applicant’s supporting information, and the conflicts with the relevant development plan policies. I reached a similar conclusion in my determination of the appeal and am therefore satisfied that the Council did not behave unreasonably in refusing the application.

5. I note that there is dispute between the parties regarding the relevant dates the application was registered, validated and was being considered for determination, and whether this occurred within reasonable timeframes. Irrespective, I am satisfied the Council have carried out a full assessment for the reasons previously stated. Notwithstanding this, what is evident based on the representations of both parties is that the original application documentation submitted by the applicant was not sufficient to determine the application. The Council subsequently requested further information, of which the applicant declined to provide the information needed to assess whether the development fulfilled a genuine agricultural need and verify that this need could not otherwise be accommodated within the existing agricultural holding on the adjoining parcel of land, refer to as Purn House Farm.
6. It is ultimately the applicant's responsibility to supply the information necessary for the application to be considered upon submission. Once the request for further information was declined by the applicant the Council were entitled to proceed to determine the application based on the available information. Furthermore, the applicant has not submitted the specific details and documentation relating to the suggested comparative planning permission¹ for consideration. As such, I cannot be certain of the particular circumstances which led the Council to make the referenced decision and whether it is comparable to the development before me. Nevertheless, each case is determined on its own merits which the Council demonstrated in their delegated report and decision notice.
7. Accordingly, based on the evidence before me I do not consider the Council's actions to represent unreasonable behaviour.

Conclusion

8. 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

¹ LPA Reference: 17/P/1178/F