
Costs Decision

Site visit made on 21 September 2020

by H Porter BA(Hons) MSc Dip IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 November 2020

**Costs application in relation to Appeal Ref: APP/D0121/W/20/3250564
The Bungalow Inn, New Road, Kingdwon, Felton, North Somerset
BS40 5TP**

- 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 North Somerset Council for a partial award of costs against Mr Wedlake.
 - The appeal was against the refusal of planning permission for demolition of existing public house and replacement with a hotel.
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Decision

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

Reasons

2. 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.
3. The procedures for costs applications are not statutory and notwithstanding that there are strict deadlines for making an application for costs, there is discretion to accept applications outside the time limits set. The Council contends that the appellant has behaved unreasonably in failing to make a timely application for an award of costs. However, in their final comments, the appellant had referred to perceived unreasonable behaviour on the part of the Council and, in this instance, the costs application was accepted.
4. Whilst it will be seen from my decision letter that I did not agree with the appellant's case and refused to grant planning permission; I cannot agree that the appellant had clearly ignored a previous appeal decision. Nor do I judge the appellant's pursuance of the proposed development to be deliberately vexatious.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

H Porter

INSPECTOR