



Costs Decision

Site visit made on 5 October 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Costs application in relation to Appeal Ref: APP/R3325/W/20/3255011 Land Adjoining Morganside, Turnhill Road, High Ham

- 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 A Roberts for a full award of costs against South Somerset District Council.
 - The appeal was against the refusal of planning permission for the erection of 3 dwellings with associated works including the creation of a new access and landscaping.
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Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. Both of these circumstances must be established for a costs application to succeed.
3. The applicant submits that the Council delayed development which should clearly be permitted, failed to produce evidence to substantiate its reason for refusal, and made vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The Council's conduct may well have caused delay within the planning process. However, the Council's members were entitled to come to a contrary view to officers and, given my decision, development has not been delayed which should have clearly been permitted. That said, the Council's reason for refusal is not without imprecision, in terms of the language it uses and given that it fails to refer to all relevant policy or specify to which landscape character or heritage assets it refers. The Council did not clarify matters during the appeal.
5. The development plan contains no presumption against development at High Ham. Yet, Policies SS1 and SS2, when read together as intended, do seek to strictly control development here. Policy SS2 states that housing must meet an identified housing need, which is clarified to relate to local need by its supporting text. Given the absence of such within the proposal, which was a matter raised in the evidence before members, it was not unreasonable for the Council to refuse permission on this ground. That the Council failed to refer to Policy SS2 was not prejudicial, as there is a direct link to it within Policy SS1.
6. It was clear from the breadth of evidence before members, and particularly the appellant's heritage assessment (HA), which heritage assets were relevant, and how they link to the rural landscape around High Ham. Notwithstanding the

HA's conclusions, its body of evidence demonstrates that this issue was not straight forward, which underlines the degree of subjectivity inherent in how that evidence is interpreted when finding harm or otherwise. This is also apparent in some of the somewhat cautious language used by the conservation officer and by Historic England, in what must be said are quite brief responses.

7. Given such, whilst it is true that the conclusions of the HA and the absence of objection from the conservation officer and Historic England run counter to the Council's decision, I do not share the view that the Council's decision is unsupported by any of the content of their objective analysis. Rather, the evidence before members could reasonably have been interpreted into a reason to refuse permission within the realms of legitimate planning judgment.
8. Drawing these threads together, the Council's reason for refusal was to a degree imprecise and generalised. However, it was not speculative. It utilised relevant planning policy and encapsulates planning grounds which were reasonable by my reading of all the evidence before me, evidence which has ultimately substantiated the Council's decision.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and that an award of costs is not justified.

Matthew Jones

INSPECTOR