



Costs Decision

Site visit made on 12 October 2020 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2020

Costs application in relation to Appeal Ref: APP/D0121/W/20/3255105 Barns at Valley View Farm, Highridge Road, Dundry BS41 8JU

- The application is made under the Town and Country Planning Act 1990 as amended, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Liam Hopkins for a full award of costs against North Somerset Council.
- The appeal was against the refusal of the Council to grant planning permission for demolition of existing agricultural barns and erection of residential dwelling and ancillary works.

Decision

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

Application Procedure

2. The Appeal Planning Officer's 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 (the PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably where this has directly caused another party to incur unnecessary or wasted expense in the appeal process. The PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by making vague assertions about a proposal's impact or by refusing to enter into pre-application discussions.
 4. Regarding the Council's pre-application advice, which is included within Appendix C of the applicant's statement of case, it is clearly stated that while the Council acknowledged that a fallback position could potentially constitute very special circumstances, it does not say it would constitute very special circumstances. Also although the appeal proposal was smaller in scale than the scheme which was presented at the pre-application stage, it is clear that the Council had nonetheless taken the fallback position into account as part of their determination of the application, and came to the conclusion that it did not justify the proposal. While I have arrived at a different view, the Council's decision was not an unreasonable one to reach, and so I do not consider that their behaviour has been unreasonable.
 5. Moreover, the minor amendments which the applicant made to the scheme would not have been likely to overcome the Council's second reason for refusal.
-

6. Also though I note the limited correspondence during the life of the application between the Council and the appellant, this is not unreasonable behaviour, albeit does not represent good practice.
7. From Appendix E of the applicant's statement of case and the delegated report, it is clear that the Council detailed their concerns and the statement that 'we prefer the fall back to the alternative of a new dwelling' is just a summary. As such, I do not consider that the Council made vague assertions.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Conclusion and Recommendation

9. For the reasons given above and having had regard to all other matters raised, I recommend that the application for an award of costs should be refused.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for costs is refused.

Andrew Owen

INSPECTOR