



Costs Decision

Site visit made on 23 November 2020

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2020

Costs application in relation to Appeal Ref: APP/D0121/D/20/3259148 Cinderford Cottage, Ropers Lane, Wrington BS40 5NH

- 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 Mrs Helen Gwinnett for a full award of costs against North Somerset Council.
 - The appeal was against the refusal of planning permission for what is described as Erection of two storey side extension and single storey porch with associated works following the demolition of a lean-to domestic store.
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1. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, 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. The applicant considers that the Council acted unreasonably by taking the decision away from Officer Delegated Powers and refusing the application at Committee on grounds which are clearly unfounded against officer recommendation.
2. The Council indicates that local ward councillors have the right, under its approved scheme of delegation, to refer planning applications to the Planning and Regulatory Committee for determination by elected members. I have noted the recommendation of the Council's Officers and the minutes of the two Planning Committee meetings where the planning application was considered. However, Council Members are not required to accept the professional advice of Officers so long as a case can be made for the contrary view.
3. Following the Committee's determination to refuse the planning application, the Council issued its Decision Notice. That sets out the reasons for refusal, which are complete, precise, specific and relevant to the planning application. The refusal reasons also include development plan policies, guidance and legislation that Members' considered the proposal conflicted with. Sufficient detail was therefore provided to support and substantiate its position.
4. The applicant's response to the Council's comments on the costs application also asserts that a number of inaccurate statements/information were made at the Council's Planning and Regulatory Committee meeting and that this prevented a balanced and fair consideration of the proposal. The submitted gross internal areas and volumes figures for Cinderford Cottage and Greystones indicate that they are similar in size and the submitted plans show the location of nearby properties. However, the suggestions in the committee meeting that Cinderford Cottage dominates Greystones and that the latter is surrounded by development on three sides do not of themselves indicate an obvious bias against the proposal from the outset. I also note the applicant's concern with regards to the accuracy of the 'before and after images' that were

circulated to committee members without the involvement of the planning officer. However, the images – which were submitted by the Council as part of the appeal – are not labelled as being drawn to scale. It also seems to me that those images and the opinions aired by committee members regarding the above matters are not so inaccurate that they could be described as resulting in an unacceptably misleading and fundamentally inaccurate representation of the proposal.

5. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

T Gethin

INSPECTOR