



Costs Decision

Site visit made on the 12th January 2021

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2021

Costs application in relation to Appeal Ref: APP/Q3305/W/20/3246321 Willow Brook Stables, Marsh Road, Standerwick, Frome, BA11 2PZ.

- 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 J Griggs for a full award of costs against Mendip District Council.
 - The appeal was against the refusal of an application for the change of use of land with associated ancillary development to one Gypsy and traveller pitch.
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Decision

1. The application is dismissed.

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. In this case, the planning application was recommended for approval by the planning officer but in weighing up all the considerations the Board decided to refuse permission. It is clear that elected members are not bound to follow the advice of their professional officers, but the decision reached has to be capable of being substantiated on sound planning grounds.
4. The reason for refusal refers to various policies in the development plan and specific national guidance on Gypsy and traveller sites and paragraph 25 of the Planning Policy For Traveller sites refers to the need to strictly limit new traveller sites in open countryside and to ensure that the cumulative effect of such sites do not dominate the settled community. In this case the Council presented evidence to highlight and evaluate the extent of the settled community locally and the present position on Gypsy and traveller sites locally, in addition to referring to the nature of the objections put forward by the parish council and local people.
5. While I reached a different conclusion on the planning merits of the case, considered as a whole, I am satisfied that the Council put forward an adequate case to substantiate its objections on planning grounds on the main issues and therefore its actions were not unreasonable. The costs borne by the appellant in lodging the appeal are therefore the normal costs arising when the right of appeal is exercised.

6. Overall, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

David Murray

INSPECTOR