
Costs Decision

Site visit made on 15 January 2021

by S A Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2021

Costs application in relation to Appeal Ref: APP/D0121/C/3258371 Rosedene, 21 Grove Park Road, Weston Super Mare BS23 2LW

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Steven Rowbotham for a full award of costs against North Somerset Council.
 - The appeal was against an enforcement notice alleging without planning permission the erection of a garage.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that parties in planning appeals are normally expected to meet their own expenses. Irrespective of the outcome of the appeal, costs may only be awarded against a party that has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The basis of the applicant's claim for costs is that the Planning Committee acted unreasonably in deciding to refuse the planning application. The applicant asserts that the committee did not base its decision on any objective assessment of the development, making a decision contrary to the views of the professional officers. Secondly, the applicant considers that the planning refusal reasons and those used as a reason for issuing the enforcement notice are not specific or consistent with the officers' views. The applicant considers the conduct of the Council falls within the realm of unreasonable behaviour.
4. Whilst I have come to a similar view to the Council on the merits of the development the subject of the refused planning application, it was not itself the subject of the enforcement notice and I do not consider it appropriate to extend the ambit of the appeal costs regime to a decision on an application that was not appealed.
5. My attention has not been drawn to any unreasonable behaviour on the part of the Council in the course of this appeal which might have caused the applicant unnecessary or wasted expense in the appeal process. So far as the criticism of the planning application reasons for refusal may be made against those for issuing the notice, these were adequately supported in evidence by that Council, and, as will be clear from my decision, were reasons that I considered to be well founded.

6. Overall, I am not satisfied that there was unreasonable behaviour on the part of the Council that led the appellant to incur unnecessary or wasted expense in connection with the appeal against the enforcement notice. I conclude accordingly that an award of costs, either partial or in full, is not justified and the costs application should not succeed.

S A Hanson

INSPECTOR