



Costs Decision

Site visit made on 3 March

by P N Jarratt BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 March 2021

Costs application in relation to Appeal Ref: APP/W3330/C/20/3260776 Café Bar 21, 21, The Avenue, Minehead, TA24 5AY

- 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 W Wynn for a partial award of costs against Somerset West and Taunton Council
 - The appeal was against an enforcement notice alleging the construction of various outdoor timber facilities.
-

Decision

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

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. The applicant believes that additional expense has been incurred in communicating with the Planning Inspectorate and the Council as a result of a misleading letter sent by the Council to the Town Council and to two ward councillors. This letter, dated 26 November 2020, included details of the wrong breach of planning control and the steps to remedy that breach.
4. The Council has acknowledged that its officer merged the wrong details relating to another enforcement case into their notification letter. On being notified by the applicant's agent the Council responded promptly on 18 December 2020 apologising for the error and also notifying the Town Council and ward members.
5. Although the applicant is aggrieved that the letter caused confusion and invited adverse and misleading comments, in my view it would be difficult to confuse the applicant's business premises with the wrong reference in the letter to the storage of unauthorised mobile homes and caravans not connected with an agricultural use. I would be surprised if the Town Council or ward members could not readily distinguish that the contents of the letter were erroneous.
6. The Council consider the matter to relate to a small administrative error, which appears to be the case. Although the applicant claims the error has caused unnecessary stress and anxiety, I do not consider that this should have led to anything more than the agent notifying the Council of the error. It seems that the appellant has been disproportionate in his response to the Council's error and in his concern over the consequences as far as his business plans and

licence applications may have, bearing in mind the extent of unauthorised development that has been carried out at the appeal premises.

7. I note also that the applicant raises exception to the grounds of appeal quoted in the Council's letter claiming that anyone wishing to make representations cannot fully understand the grounds appealed. In this case, the Council referred to a ground (a) appeal which I note was one of the grounds originally pleaded by the applicant. However the applicant did not pursue this ground of appeal and it was therefore unnecessary for the Council to refer to it in the letter of 18 December 2020 having been notified by the Inspectorate on 19 November 2020 of the grounds. It was also unnecessary for the Council to respond to the ground (a) matters in their statement received on 22 December 2020. However, none of this has any material impact on the application for a costs award.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

P N Jarratt

Inspector