



Costs Decision

Site visit made on 27 February 2021

by P N Jarratt BA DipTP MRTPI

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

Decision date: 24 March 2021

Costs application in relation to Appeal Ref: APP/V3310/X/20/3261967 Land at Batch Nurseries, Rectory Way, Lympsham, Weston-Super-Mare, BS24 0ES

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Paul Brace for a full award of costs against Sedgemoor District Council.
 - The appeal was against the refusal of a certificate of lawful use or development for the change of use of land to use as a caravan site and associated operational development; the change of use of the former residential caravan to dwellinghouse and associated operational development comprising of the erection of a single storey extension; and, building operations comprising the erection of a detached building within the curtilage of the residential unit.
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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 claims for an award of costs for the non-determination of the LDC application and unreasonable behaviour by the Council in that it has referred to the wrong case law; misinterpreted case law and the submitted evidence; and reached the wrong decision. Additionally the Council inappropriately changed the description of development on the decision notice.
4. The Council determined the application on 2 October 2020 contrary to the applicant's assertion which I assume is a drafting error.
5. There is no evidence in the submitted documentation that the Council has been unreasonable in the manner in which the application has been determined. There has been an extensive exchange of views although the response of the officer to the appellant's emails may not have been as prompt as the applicant may have hoped for. The applicant has referred to numerous cases and there is no indication that the case officer ignored these or misinterpreted them. Indeed separate legal advice was sought and the officer made a recommendation on the application having weighed up all the evidence.

6. In respect of the change in the description of the development by the Council, this was done for justifiable reasons and it made no change whatsoever to the various aspects of development for which the applicant sought an LDC. The outbuilding was addressed in the officer's report.
7. It seems to me that the appellant's application for costs is baseless in that it expresses little more than a dissatisfaction with the conclusions and professional judgement of the officer.
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