The Planning Inspectorate

Costs Decision

Site visit made on 12 April 2021

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 June 2021

Costs application in relation to Appeal Ref: APP/Q3305/W/20/3261953
Shamrock Stables, Lynch Lane, Westbury Sub Mendip, Somerset BA5 1HW

- 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 Miss Rosemary Peacock for a full award of costs against Mendip District Council.
- The appeal was against the grant of planning permission subject to conditions.

Decision

1. The application for costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) 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. The PPG provides that Local Planning Authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, or by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.

3. The applicant suggests that it was unreasonable behaviour for the Council to add the disputed conditions. Whilst I have agreed that the imposed conditions were not reasonably necessary, I understand the reasons why the Council felt such restrictions were needed, as described in the Council's submitted evidence for example. I also recognise that there was evidence of issues raised by interested parties in the locality of the site, which the Council would have taken into consideration.

4. I have come to a different conclusion from the Council as to whether the conditions are necessary, based on the distance the site is from neighbouring dwellings for example. However, the fact that the Council considered the potential impacts being such that conditions were necessary and met the tests for the imposition of conditions is not, in my opinion, unreasonable behaviour.

5. Therefore, I find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

Steven Rennie

INSPECTOR