The Planning Inspectorate

Costs Decision

Site visit made on 21 June 2021

by P N Jarratt BA DipTP MRTPI

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

Decision date: 25 June 2021

Costs application in relation to Appeal Ref: APP/W3330/F/20/3253765 Sweethay Farm Barn

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 39, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Anthony Ormerod for a full award of costs against Somerset West and Taunton Council.
- The appeal was against a listed building enforcement notice alleging the insertion of a roof light at roof level on the western elevation and the unauthorised installation of concrete roof tiles on the main barn.

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 appellant's case relies on the fact that the Council issued a Listed Building Enforcement Notice, claiming that they have not carried out the correct assessment based on case law. The appellant is also critical of the Council in respect of information and advice supplied.

4. The Council has exercised its responsibilities and duty in respect of heritage assets in taking the necessary action to seek the removal of unauthorised works to a curtilage listed building. The notice was served after the failure of the parties to resolve the issues without resorting to formal action. It has been the consistent view that the building is listed and this has been accepted in the past by the applicant. A new Conservation Officer reviewed the position in November 2019 which demonstrates that the Council has been careful in its approach. The appellant has relied heavily on his own interpretation of listed building case law which differs to that of the Council. This is not unusual but it is not a basis to justify unreasonable behaviour.

5. 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