
Costs Decision

Site visit made on 5 July 2021

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

an Inspector appointed by the Secretary of State

Decision date: 6 August 2021

Costs application in relation to Appeal Ref: APP/Q3305/W/21/3271662 Building at Row Lane, Laverton, Frome, BA2 7RA

- 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 Mr & Mrs S Snook for a full award of costs against Mendip District Council.
 - The appeal was against the refusal of prior approval for the change of use of an Agricultural Building to a Dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion.
-

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 appellant claims that it was unreasonable behaviour for the Council to refuse the application and also that there was a poor level of communication with the Planning Officer, where negotiations may have been beneficial.
4. From the evidence before me, it is not a case where the change of use under permitted development should clearly have been approved. The considerations would have been part of a professional judgement. Whilst I have come to a different conclusion to the Council their reasoning was reasonable and based on the evidence they had, even if they could not conduct a site visit. They considered the submitted Structural Report, but they did not need to accept its conclusions, and the Council explained why this was the case.
5. Furthermore, whilst improved communications with the Council may have been beneficial, I am not convinced that this would have meant that the appeal (and the costs associated with it) could have been avoided.

6. 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.

Mr S Rennie

INSPECTOR