



Costs Decision

Site visit made on 15 March 2021

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th AUGUST 2021

Costs application in relation to Appeal Ref: APP/W3330/W/20/3260067 Land at Field B, New England, Curland TA3 5SB

- 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 William Allen for a full award of costs against Somerset West and Taunton Council.
 - The appeal was against the refusal of planning permission for the installation of an access track and yard, and the erection of two agricultural buildings. Building A – a double storey barn and Building B – a single storey chicken/sheep/cattle shed.
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Decision

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

Preliminary Matter

2. The applicant has referred to paragraph 38 of the National Planning Policy Framework (February 2019) in his costs application. Since making the application, the National Planning Policy Framework has been revised (on 20 July 2021). However the paragraph referred to by the applicant has not changed. I did not, therefore, consider it necessary to seek the parties' views with regard to the publication of the revised National Planning Policy Framework (20 July 2021)(the Framework).

Reasons

3. Paragraph 030 of the Planning Practice Guidance on Appeals (the PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
4. The grounds for the costs application are summarised as follows:
 - (i) The Council did not give suitable or fair consideration of the planning application; and
 - (ii) The Council failed to comply with their duty under paragraph 38 of the Framework as they did not act in a positive or proactive way to look for solutions to enable the grant of planning permission.

5. Much of the applicant's case refers to the Council's conduct during discussions that took place regarding the proposed scheme for the site. It is suggested that the Council failed to honour an agreed position.
6. I have considered the correspondence referred to by the applicant¹ and can see from this that the Council responded to the applicant's correspondence and provided advice with regard to the scheme on several occasions. In particular, whilst the Council were positive with regard to a chicken shed, it remained concerned about the visual impact of a second larger building and recommended a single poultry building with 'minimal attached storage'. Despite this, the scheme before me proposes what is described as a double storey barn, in addition to a single storey chicken/sheep/cattle shed.
7. Paragraph 38 of the Framework informs that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. The Council gave advice on how the scheme should be amended to reduce its visual effect and, as such, sought to secure development that would improve the environmental conditions of the area. Having regard to the evidence before me, I cannot conclude that the Council failed to comply paragraph 38 of the Framework.
8. Furthermore, the Council has provided sufficient evidence to support its reasons for refusal of the scheme. This evidence is consistent with the officer's report prepared in respect of the planning application. In this regard, I am satisfied that the Council properly considered the planning application subject of the appeal. As I have dismissed the appeal, in refusing the application the Council did not delay development that should be permitted.
9. To conclude, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. Accordingly, an award for costs is not justified.

J Moss

INSPECTOR

¹ Appendix B (pt2) of the applicant's evidence.