



Costs Decision

Site visit made on 17 November 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021

Costs application in relation to Appeal Ref: APP/W3330/W/21/3280061 Anstey Farm, Hawkwell Lane, Brushford, TA22 9RU

- 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 Hugh King-Fretts for a full award of costs against Somerset West and Taunton Council.
 - The appeal was against the refusal of planning permission for x 2 holiday lodges / log cabins on site of x 2 former free range poultry houses.
-

Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of an appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant asserts that the Council acted unreasonably as it failed to co-operate or to work pro-actively with the applicant, failed to have regard to its pre-application advice, and failed to determine the application within the statutory time period without reason.
4. I can understand the applicant's frustration in the lack of response from the Council before planning permission was refused, especially as it then went on to divert from its pre-application advice. However, the Council has maintained its stance at the appeal and there is no substantive evidence that demonstrates that, had additional dialogue taken place, the appeal could have been avoided.
5. Whilst the Council also failed to determine the planning application within the statutory timescale, there is no link between this issue and costs accrued during the appeal. The same is said for the divergence from the pre-application advice, the tone of which is advisory and thus somewhat non-committal in any event. That the pre-application advice can offer no guarantee of the Council's ultimate decision is also set out at the outset of the advice.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. An award of costs is not justified.

Matthew Jones

INSPECTOR