
Costs Decision

Site visit made on 9 November 2021

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2022

Costs application in relation to Appeal Ref: APP/D0121/W/21/3279745 Western Trade Centre, Knightcott, Banwell BS29 6HT

- 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 North Somerset Council for a full award of costs against Bourton Ltd.
 - The appeal was against the refusal of planning permission for outline application for 20 units with appearance reserved.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may be awarded where a party has acted unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Council's application for costs is based on the view that two previous appeals at the site have been dismissed, and that there are no material differences between the current appeal proposal and that considered previously which would result in a third Inspector coming to a different conclusion.
4. The appellant has clearly set out details of the work which has gone into seeking to address the conclusions of the Inspector in the previous appeal and provided detailed information in respect of considerations they believe are material changes since the previous appeal decision. I have set these out in the corresponding appeal decision.
5. The appellant is clear that they accept the conclusions of the previous Inspector and have used that previous decision to inform their latest submission. They have submitted a robust case at appeal. In my view, a legitimate attempt has been made to seek to address issues raised in the previous appeals and I conclude that it is entirely reasonable therefore that the appellant should wish to test the views of the Council at appeal.
6. As such, I do not consider that the appellant has behaved unreasonably.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been

demonstrated. For this reason and having regard to all matters raised, an award of costs is therefore not justified.

Alison Fish

INSPECTOR