



Costs Decision

Site visit made on 1 March 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2022

Costs application in relation to Appeal Ref: APP/Q3305/W/21/3277711 Land On The South East Side Of Vinney Lane, Blatchbridge, Frome BA11 5BN

- 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 S Hughes for a full award of costs against Mendip District Council.
 - The appeal was against the refusal of planning permission for change of use of land to 1 No Gypsy pitch and associated works including 1 No mobile home, 1 No touring caravan, 1 No day room, septic tank and hardstanding.
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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 against a party who has behaved unreasonably and so caused the costs applicant to incur unnecessary expense in the appeal process. This application claims unreasonable behaviour by the Council in terms of failing to produce evidence to substantiate its refusal reason.
3. The decision to refuse planning permission was made by the Council's Planning Board and against the advice of its officers. The Council is not duty bound to follow this advice but it has to clearly demonstrate on planning grounds why a proposal is unacceptable and properly evidence its reasons.
4. The Council has not submitted an appeal statement but it relies upon the attachments to the appeal questionnaire, which include the minutes of the Planning Board meeting. These set out concerns raised in respect of the width and constraints of the lane leading to the appeal site as well as limitations on the applicant's evidence on the issue of vehicular access. Moreover, the refusal reasons on the decision notice clearly describe the Council's objections regarding access and refer to a relevant development plan policy. Therefore, it is incorrect to say the Council has entirely failed to substantiate its concerns, albeit the explanation for its refusal reasons is brief.
5. Also, there is no dispute between the parties that Vinney Lane is narrow and includes bends which would make it difficult for some vehicles to travel along the road. Therefore, the question as to whether the development would be provided with a suitable access is mainly a matter of planning judgement. While I have reached a different conclusion on the issue, it is fair and

reasonable for the Council to raise concerns over the accessibility of the development by emergency and larger vehicles.

6. As such, I find the Council has substantiated its refusal reasons. Accordingly, I conclude that unreasonable behaviour resulting in wasted expense has not been demonstrated and so an award of costs is unjustified.

Jonathan Edwards

INSPECTOR