



Costs Decision

Site visit made on 27 April 2022

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Costs application in relation to Appeal Ref: APP/W3330/W/21/3289008 Land adjacent to Chilcombe House, 30 Trendle Lane, Bicknoller TA4 4EG

- 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 and Mrs J Bridgland for a full award of costs against Somerset West and Taunton Council.
 - The appeal was against the refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The national Planning Practice Guidance (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. The PPG adds that one of the aims of the costs regime is to encourage local planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case.
3. The applicants consider that the Planning Committee's decision to refuse the Reserved Matters contrary to the Case Officer's recommendation, has led to unnecessary or wasting expense through another appeal, as the outline application had already been subject to an appeal. It is argued that Members were against the principle of an additional dwelling on the site, and would have refused the application regardless of the proposal's design.
4. Members of the Planning Committee raised concerns regarding the design of the proposed dwelling, referring to its "excessive size, scale" and "incongruous appearance", and the effect that this would have on the character and appearance of the area. The Case Officer's report highlights the absence of cohesive design between the existing dwellings, and the proposed materials were found to be in keeping with other properties in the area.
5. Members also refused the application by reason of the lack of information regarding measures to minimise carbon emission and reduce the impact of the development on climate change. However, the matter was addressed within the Case Officer's report, which notably refers to the measures proposed by the applicants in the Design and Access Statement submitted in support of the application.

6. Members of the Planning Committee are entitled to reach a different decision to the Case Officer's recommendation, but they have to do so whilst relying on substantive planning grounds. The PPG stresses that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. In this instance, very limited information has however been presented by the Council to substantiate its position, either in terms of an explanation of the harm, conflicts with development plan policies or justification for its conclusions.
7. For these reasons, I find that the Council has relied on vague and generalised assertions, which are unsupported by objective analysis, and conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated. A full award of costs is therefore justified in this instance.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Somerset West and Taunton Council shall pay to Mr and Mrs J Bridgland, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to Somerset West and Taunton Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

S Edwards

INSPECTOR