

Costs Decisions

Site visit made on 27 April 2022

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2022

Costs application in relation to Appeal A Ref: APP/W3330/W/21/3289971 Field B, Curland, Somerset 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 to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for "Application for prior notification for the formation and continuation of an access tract at Field B, Curland".
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Costs application in relation to Appeal B Ref: APP/W3330/W/21/3289972 Field B, Curland, Somerset 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 to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for "Application for prior notification for the erection of a general purpose agricultural fodder storage building at Field B, Curland".
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Decisions

1. The applications for an award of costs are refused.

Reasons

2. The Planning Practice Guidance¹ (the PPG) advises that costs may be awarded where a party has behaved unreasonably and thereby directly caused another party to incur unnecessary or wasted expense in the appeal process. Paragraph 049 of the PPG lists different types of behaviours which may give rise to a substantive award against local planning authorities.
3. The applicant has referred to the lengthy planning history associated by the appeal site. It is argued that the Council has acted unreasonably in refusing to grant approval for developments which are required to meet the needs of the applicant. No rebuttal has been provided by the Council.
4. Prior approval applications have to be determined in accordance with the requirements set by the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). As reflected by the

¹ Paragraph: 030 Reference ID: 16-030-20140306.

correspondence between the main parties, it is clear that the applicant was given the opportunity to submit additional information to meet the requirements of the GPDO.

5. The Council determined the applications within the prescribed timescales and its submissions clearly outline their concerns in respect of the development proposals, and there is nothing before me suggesting that the Council acted unreasonably as part of the appeal process.
6. For these reasons, I find that unreasonable behaviour or wasted expense, as described in the PPG, has not been established. On this basis, awards of costs are not justified.

S Edwards

INSPECTOR