



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: 11 July 2022

Costs application in relation to Appeal Ref: APP/W3330/W/21/3289579 Land to the south of Higil Lea, Crowcombe TA4 4BF

- 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 Andrew Ware for a full award of costs against Somerset West and Taunton Council.
 - The appeal was against the refusal of planning permission for tourist development comprising: 2no. glamping pods, 1no. shepherds hut (and an implement shed).
-

Decision

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

Reasons

2. The national 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. The PPG identifies different types of behaviours, which may give rise to a substantive award local planning authorities.
3. The applicant considers that the appeal was unnecessary as the proposal complies with the development plan, and the Council acted unreasonably in failing to substantiate its reasons for refusal and interpret the development policies and guidance contained within the National Planning Policy Framework (the Framework) correctly. It is also argued that the Council did not determine similar cases in a consistent manner.
4. The Council's reasons for refusal as set out in the decision notice are complete, precise, specific and relevant to the planning application. Whilst a landscape statement was submitted in support of the resubmission, this was not found to overcome the concerns of the Case Officer and Landscape Planning Officer regarding the effect of the development on the Quantock Hills Area of Outstanding Natural Beauty. Furthermore, the Council's submissions have sought to address the comments made by the applicant regarding the application and interpretation of development plan policies in other applications and appeals.
5. As set out in my decision and having considered the available evidence, I have found that the circumstances and context of each scheme were different and did not represent a direct parallel to the appeal proposal. These issues largely raise matters of planning judgment, and I am satisfied that, in the context of

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

this appeal, the Council appropriately substantiated its concerns about the proposal within its submissions, having regard to the particular circumstances of the case. It follows that the Council did not act unreasonably in deciding to refuse planning permission for the development.

6. Given the above, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. On this basis, an award of costs is not justified.

S Edwards

INSPECTOR