

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 September 2022

Costs application in relation to Appeal Ref: APP/G3300/W/21/3289792 Batts Lane Quarry, Long Sutton TA10 9NJ

- 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 Henry Ford for a full award of costs against Somerset County Council.
 - The appeal was against the refusal of planning permission for "proposed reopening of former quarry including proposed temporary processing building and internal access track".
-

Decision

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

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 applicant considers that the Council acted unreasonably in failing to substantiate its reason for refusal, and explain why the development could not have been made acceptable through the use of conditions or planning obligations, as set out in paragraph 55 of the National Planning Policy Framework (the Framework).
4. A decision made contrary to the Case Officer's recommendation does not in itself constitute unreasonable behaviour. Members are entitled to reach a different decision, as long as they 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.
5. In this instance, and whilst the application was recommended for approval, and the Environment Agency and other consultees did not object, significant concerns were raised by other interested parties, which were supported by detailed evidence. These notably included independent reviews carried out on behalf of the Stop Batt's Lane Quarry Action Group, which Members of the Regulation Committee would have had the opportunity to consider and were

entitled to rely on as part of the decision making process. The Case Officer's recommendation to grant the application was subject to a number of conditions which had been included in the report, and therefore I have no reasons to believe that Members had not considered whether an otherwise unacceptable development could have been acceptable through the use of conditions.

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