



Costs Decision

Site Visit made on 7 June 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

**Costs application in relation Appeal Ref: APP/V3310/W/22/3290961
Land Opposite Wydale & Whitehouse Farm, Whitehouse Lane, Loxton,
Axbridge, Somerset BS26 2UU**

- The appeal is made under section 78 of 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 John Hopkins against the decision of Sedgmoor District Council.
 - The appeal was against the refusal of the Council to grant permission for the erection of a log cabin for holiday use.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant's application for costs relies to a substantial extent on the matter of whether the pre-planning advice given by the Council was correct. The applicant considers that had they known that planning permission would not be granted, they would not have proceeded with the planning application.
4. Informal advice given before an application is made is given without prejudice and cannot pre-determine the outcome of a subsequent application, which must take account of all relevant factors. In this instance I have not been provided with the details of the information submitted to the Council as part of any pre planning advice. I have only been provided with a copy of an email from the Council which appears to be an informal conversation regarding the documents which needed to be submitted. I therefore have no firm basis to conclude that the informal advice given was so misleading as to amount to unreasonable behaviour.
5. Whilst I appreciate the outcome of the application will have been a disappointment to the applicant, the Council were not unreasonable in coming to that decision from the information they had available to them. Following consideration of the application on its merits alone, I have concurred with the Council.
6. Accordingly, I do not find that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could

not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposal which justified its decision.

Conclusion

7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award for costs is not justified.

Tamsin Law

INSPECTOR