
Costs Decision

Site visit made on 18 April 2023

by M. P Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 May 2023

Costs application in relation to Appeal Ref: APP/F0114/D/22/3302206

120C Charlton Park, Midsomer Norton, Somerset BA3 4BP

- 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. R Thorner for a full award of costs against Bath and North East Somerset Council.
 - The appeal was against the refusal of the enlargement of a dwellinghouse by construction of an additional storey.
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Decision

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

Reasons

2. 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.
3. The PPG indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal. The applicant makes the case that the Council has failed to produce evidence to substantiate the reasons for refusal and they were unduly influenced by representations.
4. Although objective analysis plays a role in determining the facts associated with the scheme, determining whether the scheme is acceptable in respect of privacy and external appearance are subjective matters. As such, notwithstanding my position on the issue of privacy on the accompanying appeal, the Council were entitled to take a different view. Furthermore, there was sufficient detail in the Officer's Report and Decision Notice that set out the Council's case and reasons for refusal with respect to both issues.
5. Whilst I appreciate that the outcome of the application will have been a disappointment to the applicant, the Local Planning Authority were not unreasonable in coming to their decision. Indeed, following consideration of the accompanying appeal, I have concurred with the Council's conclusions in respect of the external appearance. Accordingly, I do not consider that the Council failed to properly evaluate the merits of the scheme and therefore the appeal could not have been avoided. I have not seen any evidence to indicate that unnecessary or wasted expense has been incurred as a result of unreasonable behaviour.

6. I therefore conclude that neither a full nor partial award of costs is justified in this case. The application should therefore be refused.

M. P. Howell

INSPECTOR