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## Costs Decision

Site visit made on 9 June 2023

**by Lewis Condé BSc (Hons), MSc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 July 2023**

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### **Costs application in relation to Appeal Ref: APP/Q3305/W/23/3314058 The Crown Inn, Clapton Road, Clapton, Wells, BA3 4EB**

- 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, Flower and Hayes Developments Ltd for a full award of costs against Mendip District Council.
  - The appeal was against the refusal of planning permission for 'Proposed conversion of Public House into 3no. residences and the erection of 2no. additional new build residences at The Crown Inn, Zion Hill, Clapton, Midsomer Norton, Somerset, BA3 4EB'.
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### **Decision**

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

### **Reasons**

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG also 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.
4. The application essentially relies on the fact that the Council went against the advice of its professional officers and failed to provide adequate reasons for refusing planning permission.
5. Council Members determined that the public house had not been adequately marketed, citing concerns over the sales price and the period in which marketing of the property took place. As will be seen in my main decision, I do not agree with the view that the Council reached. Notably, the public house has been brought back to the market since the last appeal at the site<sup>1</sup>, whilst the price was also significantly reduced. It has therefore been on the market for a considerable period following the height of the Covid-19 pandemic.
6. Nevertheless, I can understand why Council members would be concerned about the marketing that had taken place, given that the public house's re-advertised price remained notably higher than what the property had been valued at. The fact that the pub was originally marketed during the height of the Covid-19 pandemic and at a price far in excess of its subsequent valuation, also casts some doubt on the sales process.

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<sup>1</sup> Appeal reference: APP/Q3305/W/21/3286944

7. As such, although I do not agree with the Council's overall decision, I can appreciate why members may have been somewhat sceptical of the marketing process that has taken place. I therefore do not consider the decision reached was an unreasonable view for members to take, whilst it appears to have been suitably justified.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*Lewis Condé*

INSPECTOR