



Costs Decision

Site visit made on 23 November 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2024

Costs application in relation to Appeal Ref: APP/W3330/W/23/3319548 The Coach House, Old Cleeve, Minehead, Somerset TA24 6HH

- 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 Eric Beavan for a full award of costs against Somerset Council.
 - The appeal was made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
-

Decision

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

Preliminary Matter

2. The associated appeal was submitted against the decision of Somerset West and Taunton Council. Somerset Council has now taken over the functions of Somerset West and Taunton Council. Somerset Council has therefore been named in the banner header, above.

Reasons

3. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance 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.
4. The 2012 permission¹ states that The Coach House was in use in 2012 as holiday accommodation. No documentary evidence has been provided to contradict this stated usage. In any event, the potential for the removal of condition No 3 of the 2012 permission must be assessed against the currently-prevailing circumstances. The evidence provided by the applicant relating to the travel patterns of holiday makers using The Coach House indicates that it is currently used as holiday accommodation for at least part of the year. The Council assessed the proposal on this basis, which I consider is the correct approach based on the evidence provided.
5. As explained in the associated appeal decision, I found that condition No 3 is reasonable and necessary, taking account of considerations relating to the spatial strategy for the area, the need to promote sustainable transport, and highway safety. The Council's reasons for refusal reflected the same issues, and these were explored in their appeal statement. On this basis, I consider

¹ 3/26/12/019

that the Council did not fail to produce evidence to substantiate each reason for refusal on appeal.

6. The Council, in their appeal statement, referred to the benefits associated with holiday accommodation, but this was in response to the applicant's Grounds of Appeal, which analysed the significance of a potential loss of holiday accommodation. Hence, I consider that the Council were merely substantiating their existing case in response to the applicant's arguments, rather than attempting to introduce a completely new reason for refusal.
7. Taking all of the above into account, I consider that the Council did not behave unreasonably with respect to the substance of the matter under appeal.

Conclusion

8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not occurred and an award of costs is not warranted.

Alexander O'Doherty

INSPECTOR