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## Costs Decision

Site visit made on 7 June 2024

**by K Taylor BSc (Hons) PGDip MRTPI**

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

**Decision date: 11 July 2024**

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### **Costs application in relation to Appeal Ref: APP/F0114/W/24/3341990 Homefield, Lower Shortwood Farm, Litton, Radstock, BA3 4PS**

- 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 Justin Bernard May for a full award of costs against Bath and North East Somerset Council.
  - The appeal was against the refusal of planning permission for the development of land without complying with a condition subject to which a previous planning permission was granted.
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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 provides examples of behaviour that may give rise to an award of costs against a local planning authority. These include:
  - preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations;
  - failure to produce evidence to substantiate each reason for refusal; and
  - vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by objective analysis.
4. The Council's approach to the application of Policy RE6 of the Bath and North East Somerset Placemaking Plan (July 2017) has been addressed in the 'other matters' section of the appeal decision. I consider that this Policy, when taken alongside the planning history for this appeal building, is capable of being a material consideration. However, for the reasons given in the main decision, I consider that the Council's view that it is not directly applicable is reasonable and one with which I agree. The Council has also indicated that, even if this Policy was directly relevant, it would still have concluded that permission should be refused when other Policies were taken into account. Overall, I consider that the Council's stance in respect of Policy RE6 was reasonable.
5. In the appeal decision I have reached a different view to the Council in respect of trip generation. Given that trip generation, such as it being related to the

occupancy level achieved for a holiday let, can be highly variable, I consider that the Council's stance on this matter was reasonable.

6. There was reference by the Council to tourism guidance that is now out of date. I am content that this was given primarily in the context of referring to the guidance relevant at the time the original decision was made. In any event, it is clear that the Council's primary concern related to its application of policies in the development plan, rather than this guidance being decisive. On this matter the Council's behaviour was reasonable.
7. The Council's concerns were adequately articulated, and it provided sufficient evidence to substantiate its reason for refusal. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*K Taylor*

INSPECTOR