



## Costs Decision

Site visit made on 9 April 2024

**by K Reeves BA (Hons) MA MRTPI**

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

**Decision date: 19 September 2024**

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### **Costs application in relation to Appeal Ref: APP/D0121/W/23/3331866 62 Beach Road, Weston-Super-Mare, North Somerset BS23 4BE**

- 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 North Somerset Council for a partial award of costs against Mr M Aziz.
- The appeal was against the refusal of planning permission for creation of 2no new dwellings/holiday lets including alterations to the roof and reduction in the footprint of the existing rear structure.

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### **Decision**

1. The application for a partial award of costs is refused.

### **Reasons**

2. 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.
3. The Council's fourth reason for refusal related to the effect of the proposed development on nearby trees. The appellant submitted arboricultural reports to support their argument against this refusal reason, but the technical evidence was provided as part of their final comments.
4. While I do not consider the submission of this technical evidence to constitute the evolving of the proposal, it was unreasonable to introduce the evidence at this late stage of the appeal process. As a result, the Council had to spend additional time responding to the appellant's new evidence.
5. However, this is work that the Council would most likely have had to undertake anyway if the appellant had included the arboricultural reports with their appeal statement. Therefore, although the appellant behaved unreasonably in introducing new evidence at a late stage, the behaviour did not, on the balance of probabilities, result in unnecessary or wasted expense for the Council.
6. The Council further assert that the appellant acted unreasonably by not providing an arboricultural report to accompany the planning application and they did not confirm on the application form that there are trees on land adjacent to the site that could influence the development or might be important as part of the local landscape character.
7. However, I do not consider that the appellant has actively sought to avoid the need to submit an arboricultural report and it is clear from the appeal submission that their opinion was, and still is, that the proposed development

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would not impact on the trees in the adjacent park. Moreover, the Council could have requested the submission of an arboricultural report prior to determination of the planning application.

8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and a partial award of costs is not warranted.

*K Reeves*

INSPECTOR