
Costs Decision

Site visit made on 3rd September 2024

by C Rose BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2024

Costs application in relation to Appeal Ref: APP/D0121/W/24/3343535 35 Bournville Road, Weston-super-Mare, North Somerset BS23 3RN

- 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 Randell.
 - The appeal was against the refusal of planning permission for Erection of a dwelling.
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Decision

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

Reasons

2. 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 applicant considers that the appellant acted unreasonably by using the appeal process to evolve their proposal submitting new material and technical evidence with their final comments. This includes providing a copy of the North Somerset Local Housing Needs Assessment Report (the Report) and introducing a new argument suggesting that the proposal would be in keeping with the original design of the area and impact on neighbouring properties. In addition, the applicant states that the appellants final comments contain misleading statements, particularly with regard to inaccuracies in the plans.
4. In response, the appellant states that it was necessary and reasonable to respond as they did as it was the only way to address the Council's Final Comments. Furthermore, the Council have read and responded to the comments. As such the Council have not been put to a disadvantage.
5. Although the appellant provided a copy of the Report in their final comments, this was in response to the Council's lack of five year supply of deliverable housing sites, reference to which is contained in the Council's Statement and relates to the first reason for refusal in particular.
6. Similarly, the arguments made by the appellant with regard to the design and impact upon the area respond to the Council's case with regard to the second reason for refusal. In light of this, and although this evidence could have been submitted earlier, I do not find that this represents the introduction of new

material. Although this information resulted in the Council providing further comments, this was done at its own behest.

7. With regard to the plans, and while I acknowledge that they do not reflect the extension as constructed to the front of No.35 Bournville Road, the Council determined the application on the basis of these plans. As a result, I am required to consider them as part of the appeal. Furthermore, the Council have advised that the extension is the subject of an enforcement investigation and may require planning permission and the appellant has acknowledged this investigation. As a result, I do not find that the information submitted as part of the appeal as a whole is misleading to an extent that justifies the award of costs.
8. In light of the above, I do not find that the appellant acted unreasonably through the submission of new material, the introduction of new arguments or providing misleading statements or inaccuracies in the plans. This did not therefore lead to unnecessary or unreasonable costs for the applicant.
9. Accordingly, I find that unreasonable behaviour on procedural or substantive terms resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
10. The application for an award of costs must therefore fail.

C Rose

INSPECTOR