



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: 23 September 2024

Costs application in relation to Appeal Ref: APP/F0114/W/23/3325262 Wyndrush, Tilley Lane, Farmborough, Bath BA2 0BE

- 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 Bath and North East Somerset Council for a full award of costs against Emma and Scott King.
 - The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under Section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions 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 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 contend that the appellants knew prior to submitting the appeal that the outbuildings that are the subject of the appeal are not original to the dwelling. Further, the Council argues that the appellants have pursued an appeal without sufficient grounds to support their case.
4. The appellants acknowledge that the current outbuildings are not the same ones shown on historic mapping. However, although I have disagreed with the appellants' case, they have put forward a coherent argument to support their assertions and I do not consider they have sought to mislead through their appeal. It is also apparent that they have had regard to the Council's officer report when compiling their appeal submission.
5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Reeves

INSPECTOR