
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: 2 September 2024

Costs application in relation to Appeal Ref: APP/D0121/W/24/3344697 2 North Lane, Weston-super-Mare, North Somerset BS23 1QR

- 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 full award of costs against Mr M Gauntlett.
- The appeal was against a grant of planning permission subject to conditions for Installation of 2no. ground floor windows on south elevation, a rooflight on rear (East) roof sloping roof plane and a flat rooflight on the flat roof to the East. Retrospective application for the rebuild of property comprising the removal of 2no. existing fire damaged pitched roofs, erection of 1no. replacement pitched roof including an increase in ridge height and 1no. flat roof. Replacement wall on 1st floor rear elevation. Replacement windows and alterations to window sizes on south (side) elevation (4 in total), re-instatement of 1no. door opening and reduction of barge board depth on south (side) elevation. Replacement window on first floor front elevation. Installation of 1no. window on first floor north (side) elevation and 1no. replacement window and alteration to window size of 1no. first floor window on North (side) elevation. Re-rendering of external walls. 2no. rooflights.

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 has included irrelevant information through reference to another application¹ (the other application), an extract that is not part of the appeal² (the extract) and quoted large sections of the National Planning Policy Framework (the Framework) without explaining their relevance. Furthermore, the applicant has referenced another appeal decision (the other appeal) that has no similarities with inadequate evidence to justify its case.
4. No response to the applicant's cost claim has been provided by the appellant.

¹ 23/P/1242/FUL

² 23/P/1607/CM2A

5. While reference to the relevance of the other application and to the extract could have been more clearly presented, it was apparent to me from the evidence that the other application does not form part of the appeal. I do not believe that the extract was included to deliberately mislead and as the other application and extract form part of the planning history for the site, I cannot conclude that they are irrelevant.
6. With regard to the reference to multiple paragraphs from the Framework without explaining their relevance, given that the applicant did not rebut each of the stated paragraphs in detail and the Framework is a material consideration, I do not find that their inclusion was unreasonable or led to unnecessary or wasted expense.
7. Although I have found that I cannot be sure that the other appeal decision is directly comparable, the Council rebutted its relevance in a number of short sentences. Furthermore, it is not unusual for appellants to provide copies of other appeal decisions. As a result, I do not find that reference to the other appeal decision represents unreasonable behaviour that led to unnecessary or wasted expense worthy of the grant of costs.
8. The appellants Statement of Case details their arguments with regard to the removal of conditions 3, 4, 5 and 7 and I have found in favour of the appellant with regard to condition 6. In my view the appellant provided reasons for his concerns in relation to condition 3, 4, 5 and 7 adequately justifying why he considered that the conditions should be removed. In light of the this, I cannot conclude that there was not a reasonable prospect of success in submitting the appeal.
9. In light of the above, I do not find that the appellant acted unreasonably by submitting the appeal, through the reference to another application and the extract, reference to the Framework, reference to the other appeal decision or by failing to provide sufficient evidence to justify his position. This did not therefore lead to unnecessary or unreasonable costs for the applicant.
10. 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.
11. The application for an award of costs must therefore fail.

C Rose

INSPECTOR