
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: 25 September 2024

Costs application in relation to Appeal Ref: APP/D0121/W/24/3343906 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 Gauntlett.
 - The appeal was against the refusal of prior approval for the change of use of existing Class E property to 2no dwellings (Use Class C3).
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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 has included irrelevant information through reference to another application¹ (the other application) that is not part of the appeal, referred to an irrelevant appeal² (the other appeal) and planning permission³ (the other permission) and quoted large sections of the National Planning Policy Framework (the Framework) without explaining their relevance. Furthermore, the applicant states that the appellant has not submitted sufficient supporting documents to overcome the reasons for refusal.
4. No response to the applicant's cost claim has been provided by the appellant.
5. While the reference to the relevance of the other application 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. However, it does form part of the planning history for the site and as such is a material consideration and is not therefore irrelevant information.
6. Although I have found that the reference to the other appeal and the other permission are not directly comparable, it is clear that the appellant considered that they were, and the Council rebutted their relevance in a number of short sentences. Furthermore, it is not unusual for appellants to refer to nearby decisions. As a result, I do not find that reference to the other appeal and other

¹ 23/P/1242/FUL

² LPA ref: 23/P/2382/FUL

³ 23/P/2189/FUL

permission represents unreasonable behaviour that led to unnecessary or wasted expense worthy of the grant of costs.

7. 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.
8. The appellants Statement of Case details their arguments with regard to each of the reasons for refusal. Although I have found in favour of the applicant in my main decision, the appeal process provided an opportunity for the appellant to test the position and explain their case. In my view the appellant provided reasons for its concerns adequately justifying why he considered that permission should be granted.
9. In light of the above, I do not find that the appellant acted unreasonably through the reference to the other application, the other appeal, the other permission, through reference to the Framework 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