



Costs Decision

Site visit made on 11 November 2024

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2024

Costs application in relation to Appeal A Ref: APP/D0121/W/24/3345638 and Appeal B Ref: APP/D0121/W/24/3345649

Kingcott Farm, Beggar Bush Lane, Abbots Leigh BS8 3TF

- 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 Mr John and Robert Atherton for a full award of costs against North Somerset Council.
 - Appeal A was against the refusal to grant approval for the change of use of Barn B into 1no. dwelling and Barn C into 4no. dwellings, with operational development including enclosing the open sides of the barn with brickwork and cladding and adding new openings to create windows and doors.
 - Appeal B was against the refusal to grant approval for the change of use of 1no. existing barn into office accommodation (Class E).
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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 (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. While I found against the Council on some matters, I have dismissed both appeals. Therefore, the Council did not prevent or delay development which should clearly have been permitted.
4. The level of communication and response from the Council was not to the applicant's satisfaction. Nonetheless, there is no clear evidence that greater discussions between the parties would have led to fewer reasons for refusal or the proposal being allowed.
5. With regards to the highways, biodiversity and noise information provided, whether the Council correctly considered it at the time of determining the application, they have subsequently confirmed that it does not alter their position. The Council are not bound to follow the recommendations of consultees and have given reasons for each refusal reason.
6. As outlined in my decision, it has not been shown that the passing bay is immune from enforcement action, and I cannot be certain it could be retained. That the Highways Officer raised no objection, is not necessarily the only consideration of whether it is acceptable. Similarly, without parking provision as part of the appeal scheme there is a judgement to be made as to whether appropriate facilities could and would be provided.

7. I have not agreed with the Council on the issues of noise and biodiversity for Appeal B. Nonetheless, there was no specific noise assessment for that scheme, building and use. Consequently, as with the assessment of the amount of works required to the buildings and whether they were capable of being a dwelling for Appeal A, an element of subjective evaluation is needed. A judgement was also required for whether the timing and nature of the biodiversity information was appropriate, particularly given the date of the PEA. That parties disagree is not an indication of unreasonableness.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Stuart Willis

INSPECTOR