
Costs Decision

Site visit made on 6 March 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Costs application in relation to Appeal Ref: APP/D0121/W/24/3356986 Hidden Valley Farm , Littleton Lane, Winford, BS40 8HF

- 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 Pearce for a full award of costs against North Somerset Council.
 - The appeal was against the refusal of prior approval for the conversion of an agricultural barn into 1no. dwelling (Use Class C3) with operational development including the installation of windows, door, exterior walls and replacement of the roofing material.
-

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. The PPG sets out that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by making vague, generalised or inaccurate assertions about a proposal's impact, refusing planning permission on a planning ground capable of being dealt with by conditions and not determining similar cases in a consistent manner.
4. The Council's issues in relation to contamination is based upon the history of the site, specifically the approval for the original barn building, and information was provided with statement of case detailing the approval and conditions attached. As such, in this respect, the Council had provided a detailed substantiated case.
5. Whilst I have not agreed with the Council in relation to the use of conditions, the Council has substantiated their opinion that conditions in this instance would not meet the requirements of the National Planning Policy Framework. As such, whilst I have found differently on this matter, it has not been demonstrated that the applicant's time and expense in defending this matter was not necessary and has resulted in unnecessary or wasted expense on their behalf.
6. Given the particular circumstances of each Class Q proposal, it is difficult to make general assertions regarding what specifically meets the criteria set out in the GDPO. Nevertheless, the Council have provided some commentary on the previous cases set out by the appellant and has pointed to differences in the cases.

7. As such, it is not demonstrated that the Council has determined cases in an inconsistent manner.

Conclusion

8. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for an award of costs is therefore refused.

B Phillips

INSPECTOR