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## 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: 03 April 2025

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### **Costs application in relation to Appeal Ref: APP/D0121/W/24/3346103**

#### **Land at Burnt House Farm, North End Road, Yatton BS49 4GH**

- 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 Stephen Rogers for a partial award of costs against North Somerset Council.
  - The appeal was against the refusal of outline planning permission for the erection of 1no. new dwelling.
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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. Unreasonable behaviours may relate to procedural or substantive matters.
4. Notwithstanding the Council's interpretation of relevant national guidance on the assessment of flood risk, there is no disagreement between the main parties that a sequential test is necessary. As such, 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.
5. Whilst I note the emails from the agent setting out the case during the application process, the Council has set out why the Environment Agency (EA) advice was unclear, indeed the EA accept that this was the case. The Council not pursuing the requirement for wider sustainability benefits to the community to be demonstrated is a consequence of this. Given that no work on this specific matter was undertaken at appeal stage by the applicant, no unnecessary or wasted expense in this regard is demonstrated.

### **Conclusion**

6. 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