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## Costs Decision

Site visit made on 4 August 2014

**by J J Evans BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 August 2014**

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### **Costs application in relation to Appeal Ref: APP/R3325/A/14/2218272 The Paddock, Birchwood, Chard, Somerset TA20 3QH**

- 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 Ms Helen Humble for a full award of costs against South Somerset District Council.
  - The appeal was against the refusal of planning permission for "1) Change in use in land from agricultural to mixed use with residence. 2) Retrospective permission for retention of 3 No shepherds huts, decking, summer house and extension to existing garage for accommodation linked to business plan. 3) A personnel permission to reside on the land for Helen Humble. 4) To allow non-residential use of a yurt 28 days a year, siting of a compost toilet for community use."
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, and thereby caused the party applying for the costs to incur unnecessary or wasted expense in the appeal process.
3. The application for a full award of costs and the response by the Council have been made in writing and will not be repeated here in any detail. The appellant considers that the actions of the Council required unnecessary expense, and that their decision was based on an unfair and unequal application of planning policy. Furthermore the appellant considers the Council's decision was unacceptably delayed and the decision influenced, with an undue weight having been given to precedence.
4. Both national and local policy restrict residential development in the countryside, unless there are very special circumstances that justify making an exception. After having carefully considered the evidence before me, I have not supported the appeal for the reasons given in my decision.
5. To provide evidence for her case, the appellant has had to pay for letters from medical and veterinary experts, and for the services of a planning consultant. However, expert advice and opinion, including sensitive personal information, had to be provided to allow an assessment as to whether very special circumstances existed that would justify making an exception in this instance. As such, I do not consider the appellant has incurred wasted expense.

6. The consideration of planning applications and appeals involves matters of judgement that are at times finely balanced. Local planning authorities are expected to consider the development plan, the requirements of national guidance, and any other material consideration when determining a planning application. I consider this has been done.
7. Whilst the appellant may not agree with the weight that the Council gave to the consideration of her personal circumstances and proposed business plan, it is one of judgement, based on the details of each particular case. The Council was not unreasonable in this regard, merely it gave a different weight to the issues.
8. The consideration of the planning application at a Committee would have been a decision for the Council. I note that in this case it was referred to Committee due to the number of supporting representations that were received. Whilst there may have been a delay in determining the application with regard to the Committee cycle, I do not consider the Council unacceptably delayed the determination of the application.
9. I find that the Council did not act unreasonably in reaching the decision it made on the application, and nor do I consider the appellant has incurred unnecessary or wasted expense. I therefore conclude that an award of costs is not justified.

*J J Evans*

INSPECTOR