



Costs Decision

Site visit made on 30 March 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2020

Costs application in relation to Appeal Ref: APP/R3325/W/19/3240967 Land South of Kit Hill, Crewkerne, Somerset TA18 8HJ

- 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 James Tizzard (Land Value Alliances LLP) for a full award of costs against South Somerset District Council.
- The appeal was against the refusal of planning permission for the residential development of up to 150 dwellings, public open space, landscaping and associated works with access from Lang Road.

Decision

1. The application for costs is refused.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellant claims that the Council, in refusing the proposals, acted unreasonably and this then resulted in costs being incurred by the appellant in taking the proposal to appeal.
5. I recognise that this was a decision by the Planning Committee, which was not to approve in line with the Planning Officer's recommendation. I also note there was no objection from the Highway Authority to the proposals. However, it is the right of the Planning Committee to make this decision. This is therefore the decision of the Council to refuse the planning application.
6. I recognise that the report to Planning Committee recommended approval for the development. Therefore, with the decision to refuse taken by the Committee, there was limited written evidence at the time of this decision other than in the Decision Notice to explain and justify this refusal. However, detailed evidence and justification has since been provided with the Appeal Statement from the Council and their supporting document 'Statement of

Evidence' by WSP. The Council has also set out how they consider the proposal is contrary to the National Planning Policy Framework.

7. In terms of the impact to Cathole Bridge Road as a result of additional traffic from the proposed development, this is a complex issue. Whilst I have concluded in the appeal decision that the proposal would not result in a detrimental impact to highway safety or the function of this section of highway, I do not regard that this is a planning application which should have *clearly* been approved by the Planning Committee. I also note there were many objections from local residents in the area relating to this subject which also has been taken into consideration.
8. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense in taking this proposal to appeal has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

S. Rennie

INSPECTOR