

## Costs Decision

Site visit made on 21 December 2016

by **Paul Dignan MSc PhD**

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

Decision date: 23 January 2017

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### **Costs application in relation to Appeal Ref: APP/R3325/X/16/3152802 Land at OS 0675 Town Way Field, Langport Road, Muchelney, Langport, Somerset, TA10 0DQ.**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
  - The application is made by Mrs Sandra Peggram for a full award of costs against South Somerset District Council.
  - The appeal was against the refusal of a certificate of lawful use or development for Change of use from agricultural use to use as a forty (40) touring pitch and five (5) hard standing pitch caravan and camping site (including change of use of barn from agricultural use to use associated with a caravan and camping site).
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### **Decision**

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

### **Reasons**

2. Briefly, the application alleges that the Council prevented or delayed the award of a certificate which should clearly have been granted, and had no evidence to refuse the application on the balance of probability. However, it is clear from my decision that I am satisfied that Council's decision to refuse to issue the LDC was well founded. It cannot therefore constitute unreasonable behaviour. The costs incurred by the appellant in the appeal were no more than the normal costs arising when the right of appeal is exercised.
3. Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated, and it follows that an award of costs is not justified.

*Paul Dignan*

INSPECTOR

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