
Costs Decision

Site visit made on 31 January 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 19 May 2017

Costs application in relation to Appeal Ref: APP/R3325/W/16/3161355 Land to the Rear of the Bell Inn, Broadway Road, Broadway, Ilminster, Somerset TA19 9RG

- 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 G Pavier and M Biard for a full award of costs against South Somerset District Council.
 - The appeal was against the refusal of planning permission for residential development with associated vehicular access arrangements.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that parties in planning appeals should normally meet their own expenses. However, costs may be awarded where a party has behaved unreasonably and that behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
 3. The PPG advises that an award of costs against a local planning authority may be procedural, relating to the appeal process, or substantive, relating to the planning merits of the appeal. It makes clear that a local planning authority is required to behave reasonably in relation to both of these elements and provides examples of unreasonable behaviour for both^[1]. The application was made in writing and therefore there is no need to rehearse the detailed points made.
 4. The main thrust of the applicants' case is that in deciding to refuse the application contrary to the Council Officers' recommendation, the Council prevented or delayed development which should clearly be permitted and took into account vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
 5. In this case I have noted the recommendation of the Council's Officers. I acknowledge that the applicants have concerns that the Committee refused the application even though there were no technical objections to the scheme from the Highways Authority, the Environment Agency and Wessex Water. I also note that they consider that the Committee did not take into account the lack of a 5 year supply of housing land and the implications of paragraph 14 of the National Planning Policy Framework (Framework).
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6. However, the decision was one which was a matter of judgment. The Council's Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view. The Council's statement and its associated evidence did support its decision, even though in my decision on the appeal I have supported the applicants, I do not consider that the Council's evidence which explained the reasons for the Council's stance was materially deficient in its reasoning.
7. Whilst I appreciate that the outcome of the application will have been a disappointment to the applicants, the Council did not act unreasonably in coming to that decision on the merits of the proposal and substantiated their position at the appeal stage.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

D. Boffin

INSPECTOR