



Costs Decision

Site visit made on 5 November 2019

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 28 November 2019

Costs application in relation to Appeal Ref: APP/R3325/W/19/3231903 Manor House, Manor Farm Road, Compton Pauncefoot, Yeovil BA22 7EE

- 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 Hopkins Estates for a full award of costs against South Somerset District Council
 - The appeal was against the refusal of planning permission for conversion of agricultural barn to residential dwelling, car port and ancillary works without complying with a condition attached to planning permission Ref 18/01835/S73, dated 4 October 2018.
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Decision

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

Reasons

2. 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. 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. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal, behaviour and actions at the time of the planning application can be taken into account.
3. The main thrust of the applicant's case rests on the Council not making a decision in accordance with relevant development plan policy; that it failed to substantiate the reasons for refusing permission; that it had not determined similar cases in a consistent manner; and that it refused to engage proactively. Therefore, the applicant considers the Council behaved unreasonably in refusing to grant planning permission and that this has resulted in unnecessary wasted expense in pursuing an appeal.
4. The appeal barn is a Grade II listed building, in a Conservation Area, and the PVs were installed prior to any consents being granted. Whilst I have concluded differently in terms of the weight of benefits in favour of the PVs, I did agree with the Council's analysis that the PVs have caused some harm. The issues that were in dispute are matters of judgement, and the Council produced substantive planning reasons to support its decision, backed up by reference to current planning policies and statutory duties.
5. My reading of the evidence is that the Council did enter a constructive engagement and were forthcoming about the nature of the objections. The

planning application was not accompanied by sufficient supporting information to enable the Council to establish the impact of the PVs. Although the appellant wanted to provide supplementary information, the Council made their decision on the merits of the application that was submitted to them.

6. I appreciate the applicant's frustrations regarding delay in some communications with the Council. This is regrettable. I note that the Council have subsequently been minded to grant permission for an application that included a heritage statement. However, this does not indicate to me that the Council behaved unreasonably in the handling of the appeal proposal.
7. I note also that apparently similar proposals in the vicinity cast doubt over whether the Council deal with applications in a consistent manner. I do not know the individual circumstances in those cases, including policy background, planning balance, the size of the PVs, the impact on historic fabric, whether they are similarly located in a conservation area. Indeed, significance and special interest of designated heritage is inevitably nuanced, and the Council were justified to consider the individual merits of the proposal and the site-specific circumstances.
8. All things considered, I do not find that the Council has failed to properly evaluate the development. There were reasonable concerns about the impact of the proposal that justified its decision. The appellant had to address those concerns and the appeal could not therefore have been avoided.

Conclusion

9. I do not find that unreasonable behaviour by the Council, resulting in unnecessary and wasted expense, as described by the PPG, has been demonstrated. As such, there can be no question that the applicant has been put to unnecessary or wasted expense during the appeal process. No award for costs is made.

H Porter

INSPECTOR