



Costs Decision

Site visit made on 27 March 2018

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 19 April 2018

Costs application in relation to Appeal Ref: APP/R3325/D/17/3192207 Wayfarers, Long Road, Langport, Somerset TA10 9JX

- 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 Mrs Norma Spencer for a full award of costs against South Somerset District Council.
 - The appeal was against the refusal of planning permission for a replacement balcony and stairs (retrospective application).
-

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises¹ 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.
3. I appreciate that the appellant may have contacted the Council on two occasions regarding the change of enclosure and may have been advised that planning permission was not be required. However, I have no evidence to this effect and the Council state that they have no record of any formal advice being given. I can therefore apply only very limited weight to these assertions. Moreover, whilst I fully sympathise with the appellant's position, the decision to rely on verbal advice, rather than a formal response, inherently carries more risk.
4. In any case, Condition 4 of the planning permission² granted in 2000 clearly requires approval of the means of enclosing the rooftop balcony and the written permission of the Council for its alteration. This was not received. As such, the costs of making an application would not have been avoided in order to comply with the condition.
5. The application clearly took a considerable amount of time to determine but the costs application does not demonstrate that this was as a result of unreasonable behaviour by the Council. I appreciate that the outcome of the application would have been a disappointment to the appellant but the Council is not bound to take the advice of its officers. Even though I have found

¹ Paragraph: 030 Reference ID: 16-030-20140306

² Planning application ref: 00/02218/FUL

against the Council in my Decision, this is a matter of planning judgement. The Council was not therefore acting unreasonably in reaching its decision and the costs of making an appeal would not have been avoided.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated.

Richard S Jones

Inspector