



Costs Decisions

Site visit made on 16 October 2018

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2018.

Costs applications in relation to Appeal Ref: APP/R3325/W/18/3202355 (Appeal A) and Appeal Ref: APP/R3325/W/18/3202365 (Appeal B) Land Opposite Autumn Leaves, Pibsbury, Langport, Somerset TA10 9EJ

- The applications are 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 applications are made by S Rolli for a full award of costs against South Somerset District Council.
 - Appeal A was against the refusal of planning permission for the erection of a new detached dwelling with garaging and parking without complying with a condition attached to planning permission Ref 17/00167/FUL, dated 22 March 2017.
 - Appeal B was against the refusal of planning permission for the erection of a new detached dwelling with garaging and parking on plot 1.
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Decisions

1. The applications for an award of costs are 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.
3. Both applications subject to the two appeals alleged harm to the character and appearance of the area. Whilst I have not agreed with the Council in respect of that main issue, the Council's officer report did clearly set out the reasoning behind the Council's decision on the matter. I find that the reasoning was sufficiently robust to substantiate the Council's position in respect of the appeals.
4. Turning to the second main issue, in respect of Appeal B, I have broadly agreed with the Council's reasoning regarding the accessibility of services and the suitability of the location for new development. The Council did not act unreasonably in this regard.
5. In making the overall planning balance, the Council's appeal statement explains that they did consider the operation of what is now paragraph 11 of the National Planning Policy Framework (the Framework). Whilst I differ from the Council in the weight to be attributed to that material consideration, that is a matter of planning judgement and again, the Council's reasoning is sufficiently robust to substantiate their position.

6. Overall, the Council has presented an objective analysis to support its reasons for refusal and has had due regard to the Framework. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

M Bale

INSPECTOR