



Costs Decision

Hearing held on 13 February 2019

Site visit made on 13 February 2019

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2019

Costs application in relation to Appeal Ref: APP/R3325/W/18/3207115 Land at Weston Ground Plantation, Cricket St Thomas, Chard TA20 4DH

- 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 Cricket St Thomas Estate for a partial award of costs against South Somerset District Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for erection of agricultural building for livestock accommodation and storage use.
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Decision

1. The application for a partial award of costs is refused.

Reasons

2. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process.
3. The application for a partial award of costs is predicated on the basis that the Council made a fundamental error in treating the appeal site as designated ancient woodland. The appellant asserts that this incorrect assumption has heavily influenced the authority's landscape architect and the final decision to withhold planning permission – as evidenced by the reference to ancient woodland twice within the reason for refusal.
4. The Council accepts that it was mistaken in treating the site as ancient woodland. This significantly weakened its position in relation to the alleged conflict with saved Policy EQ6 of the South Somerset Local Plan. Nevertheless, the underlying concern was in relation to the effect of proposed development on the character and appearance of the area. The fact that Weston Ground Plantation was not ancient woodland did not automatically render irrelevant the Council's concerns regarding the introduction of built form and activity into this rural setting, or the impacts on the registered park and garden.
5. Ultimately, I have taken the view that there would be no material harm to the character and appearance of the area. However, this required exercise of planning judgement. Notwithstanding the wording on the decision notice, the Council's concerns did not hinge purely on the ancient woodland issue. Given the level of subjectivity involved in making assessments on this disputed

matter, and the interrelationships between the issues, I do not consider that an award of costs would be justified.

6. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not been demonstrated. For the reasons given above, I refuse the application for an award of costs.

Robert Parker

INSPECTOR