![The Planning Inspectorate]

Costs Decision

Site visit made on 12 February 2019

by Matthew Jones BA(hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date:3rd April 2019

Costs application in relation to Appeal Ref: APP/R3325/W/18/3215837
10 Victoria Avenue, Chard TA20 1HE

- 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 South Somerset District Council for a full award of costs against Mr David Pape.
- The appeal was against the refusal of planning permission for erection of dwelling in rear garden of no.10 Victoria Avenue including the provision of two car parking bays (off street).

Decision

1. The application for 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 the party applying for costs to incur unnecessary expense in the appeal process.

3. The applicant submits that the appellant acted unreasonably in appealing the same proposal after it was dismissed by the Planning Inspectorate in 2017. The location of the dwelling and plot size was the same. The previous Inspector found specific harm relating to the small gardens and these were incorporated within the new proposal.

4. The appeal scheme was not the same as the previous one, nor was it very similar; the massing and design are materially different. With regard to the garden areas, the appellant introduced detailed evidence, such as the plot schedule, which sought to challenge the previous decision. As such, the appeal submissions were materially different, and the appellant was reasonably entitled to submit the latest appeal.

Conclusion

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Matthew Jones

Inspector