
Penderfyniad ar gostau

Costs Decision

gan A L McCooey, BA (Hons) MSc
MRTPI

by A L McCooey, BA (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 27/7/21

Date: 27/7/21

Costs application in relation to Appeal Ref: APP/D6820/A/20/3262380

Site address: Dol Aur, Beulah, SA38 9QB

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6.
 - The application is made by Mr & Mrs E & P Cowton for a full award of costs against Ceredigion County Council.
 - The appeal was against the refusal of planning permission for a change of use from garage to a one-bedroom holiday flat.
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Decision

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

Reasons

2. The Section 12 Annex, Award of Costs, to the Development Management Manual 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 or wasted expense in the appeal process.
 3. The reasons for refusal reflect the Local Planning Authority's concerns that are related to relevant policies of the Local Development Plan and material planning considerations. Whilst I have found against the Local Planning Authority on those issues, relevant evidence to substantiate the decision to refuse planning permission is set out in the Council's officer report and appeal statement. The highway safety concerns were supported by the Highway Authority with reference to guidance in the Manual for Streets. As acknowledged by both parties, this guidance is open to interpretation. It appears that the suggested use of the existing access serving the main dwelling was not before the Council and was only suggested at appeal stage. The residential amenity concerns of the Local Planning Authority were clearly expressed and supported by a neighbouring resident. I do not therefore agree that the reasons for refusal were inadequate and unsustainable in the terms set out in the Section 12 Annex.
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4. I have had regard to the particular circumstances of the site and surroundings of the appeal proposal. The approved tourist accommodation development that was referred to by the appellant was not directly comparable to the appeal proposal. Each case must be considered on its own merits and I find no inconsistency on the part of the Council in the determination of these applications.
5. It was not explained in the application for costs how the alleged unreasonable behaviour (if it occurred) in the processing of the application by Council officers and Members led to unnecessary or wasted expense in the appeal process. The application does not explain how the conduct of site visits or the nature of the inconsistent advice or liaison affected the application process. The application refers to an incorrect interpretation of permitted development regulations, but no explanation of this is provided. Taking all these matters in the round, I consider that there is no convincing evidence of unreasonable behaviour in any of them.

Conclusion

6. For the reasons given above, I find that that the Local Planning Authority did not behave unreasonably in refusing planning permission. I therefore conclude that unreasonable behaviour resulting in unnecessary expense, as described in the Section 12 Annex to the Development Management Manual, has not been demonstrated. The application for an award of costs is refused.

A L McCooey

Inspector