

Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 03/05/19

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13.06.19

Costs Decision

Site visit made on 03/05/19

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 13.06.19

Costs application in relation to Appeal Ref: APP/Z6950/A/19/3223102

Site address: Woodside Hamlet, Ham Manor, Llantwit Major, CF61 1BD

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, 322C and Schedule 6.
 - The application is made by Mr Nicholas Rubenstein of OOTA Property Ltd. for a full award of costs against the Vale of Glamorgan Council.
 - The appeal was against the refusal of planning permission for proposed tourist tree tent accommodation development.
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Decision

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

Reasons

2. Welsh Government (WG) guidance relating to an award of costs, in the form of the WG Development Management Manual (DMM) and the associated Section 12 Annex: *Award of Costs* (May 2017) (Annex 12) advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for an award of costs to incur unnecessary or wasted expense in the appeals process.
3. The applicant contends that, by refusing planning permission on grounds that are not supported by evidence or the judgment of its professional officers, it acted unreasonably. However, the advice contained within the WG's DMM states that Local Planning Authorities (LPAs) are not bound to adopt the professional advice given by its own officers, providing it has reasonable planning grounds for taking a decision contrary to such advice. It is clear in this case that the effect of the proposed development upon the living conditions of the occupiers of neighbouring residential properties is a matter of subjective judgement and, having regard to the reasoning set out in the Council's Statement of Case and the overall conclusions of the appeal decision, I am satisfied that the Council has not behaved unreasonably in this case.
4. I therefore find that unreasonable behaviour that resulted in unnecessary or wasted expense in the appeals process has not been satisfactorily demonstrated. Neither a full or partial award of costs is therefore justified. The application should be refused.

Richard E. Jenkins

INSPECTOR
