



Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 16 Tachwedd 2021

gan I Stevens BA (Hons) MCD MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17/01/2022

Costs Decision

Site visit made on 16 November 2021

by I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh Ministers

Date: 17/01/2022

Costs application in relation to Appeal Ref: APP/T6850/A/21/3281122

Site address: Church Field, Nant Glas, Llandrindod Wells, LD1 6PA

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

- The appeal is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
 - The application is made by Mr and Mrs Collard for a full award of costs against Powys County Council.
 - The appeal was against the refusal of planning permission for 1 no. affordable dwelling, 1 no. access point and 1 no. foul water receptacle.
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Decision

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

Reasons

2. The Section 12 Annex 'Award of Costs' of the Development Management Manual ('the Annex') advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicants contend that unnecessary or wasted expense has occurred in their attempt to secure planning permission, because the local planning authority has prevented development which clearly should have been permitted having regard to the development plan, national planning policy and other material considerations.
4. The delegated officer report details the Council's concerns with the proposal. The report describes the appeal site and sets out why the site's location would be inappropriate for the proposed development, having regard to local and national planning policy. The report also assesses the proposal against affordable housing policy, concluding that that insufficient evidence has been submitted to demonstrate a proven unmet local need. Finally, the report explains why the submitted evidence has failed to demonstrate that the proposal would not have a significant impact on the River Wye Special Area of Conservation in terms of any potential increase in phosphate levels. Having considered

the delegated officer report, I find that the Council has substantiated the reasons for refusal.

5. The applicants have explained why they consider the proposal is acceptable having regard to the relevant policies and material considerations. However, the Council was entitled to reach its decision based on the evidence presented. I do not consider that the Council has acted unreasonably in reaching its decision.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Annex at Section 12 of the Development Management Manual has not been demonstrated. An award of costs is therefore not justified in this case.

Conclusion

7. The costs application is refused.

I Stevens

Inspector