



Costs Decision

by Mr A Thickett BA (Hons) BTP Dip RSA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 04/02/2025

Costs application in relation to appeal: CAS-03428-Q2R7V8

Site address: The Boat Inn, The Back, Chepstow, Monmouthshire, NP16 5HH

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
 - The application is made by The Boat Inn (Chepstow) Ltd against the decision of Monmouthshire County Council.
 - The appeal was made against the refusal of planning permission for retention of existing marquee erected on the riverbank in the autumn of 2020 in conformity with the then existing Covid pandemic operating requirements applicable to clubs and restaurants.
 - A site visit was made on 21 January 2025.
-

Decision

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

Procedural Matter

2. The Council did not respond to the application for costs. Whilst it is not required to do so and has not counted against the Council in this case, its failure to respond was unhelpful.

Reasons

3. Section 12 Annex 'Award of Costs' of the Development Management Manual 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.
4. The appellant refers to site meetings and alleged agreements with Council officers on matters of access and design. The local planning authority is not bound by advice given by its officers prior to its determination of planning applications and, in my experience, such advice is always given without prejudice.
5. Although I came to a different conclusion, the Council provided evidence including a description of the area, potential impacts and policy, to substantiate its position regarding the effect of the marquee on access to the riverbank and biodiversity. Turning to viability, it was for the applicant to provide the evidence they felt necessary to support the planning application. I do not consider the Council was obliged to seek more or to take advice on the matter. The National Planning Policy Framework (NPPF) is an English document and does not apply in Wales.

Conclusion

6. I find unreasonable behaviour resulting in unnecessary expense, as described in the Annex, has not been demonstrated and the application for an award of costs fails.

A Thickett

Inspector