



Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 31/10/18

gan Joanne Burston BSc MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 14.11.2018

Costs Decision

Site visit made on 31/10/18

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 14.11.2018

Costs application in relation to Appeal Ref: APP/E6840/E/18/3208667

Site address: 10 - 14 St Mary Street, Monmouth NP25 3DB

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 Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3.
 - The application is made by Mr Steve Gill for a full award of costs against Monmouthshire County Council.
 - The appeal was against the refusal of listed building consent for the opening up of the cellar floor at the rear of the courtyard to investigate lower layers and doorway to cellar.
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Decision

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

Reasons

2. The Annex at Section 12 of the Development Management Manual, Award of Costs (the guidance) advises at paragraph 1.2 that "*Parties are expected to meet their own costs. An appellant or applicant is not awarded costs simply because their appeal or application succeeds and similarly, a local planning authority is not awarded their costs because their position or decision is upheld. An award of costs may only be made where one party has behaved unreasonably and that unreasonable behaviour has led other parties to incur unnecessary or wasted expense.*"
 3. The Guidance provides examples of circumstances which may lead to an award of costs against a Council. Awards may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal. Awards cannot extend to compensation for indirect losses.
 4. From the evidence before me the appellant's cost claim is made on procedural grounds. Such an award is made where a party has disrupted or delayed the process for determining an application, appeal or call-in during proceedings. In essence the appellant claims that the Council delayed validating the Listed Building Consent (LBC) application and that an administrative error made by the Council on a previous LBC permission resulted in this LBC application and subsequent appeal having to be made.
 5. There was a period of some 48 days between the submission of the application and its validation. During this period the Council were upgrading their computer systems which caused some delay, however I also acknowledge that both the appellant and the Council attempted to progress the scheme within this period.
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6. The evidence does not show that the Council caused deliberate delay. They required further information and further comments from the applicant. Therefore, I found the Council's approach to be entirely proportionate and directly related to the application before them.
7. Nevertheless, the Council did not validate the application within the appropriate timescale. Whilst not condoning the apparent inaction of the Council and its delay, which is most unfortunate, this would not seem to be a case where better communication with the appellant would have enabled the appeal to be avoided altogether.
8. Furthermore there has been no failure by the Council to produce timely, relevant and robust evidence to substantiate its stance against the development during the appeal process.
9. I acknowledge the concerns raised by the appellant with regard to the handling of a previous planning permission. However, it is not for me to determine whether or not there has been any administrative error in that case, as that would be a matter for the Council's own complaints procedures. Such matters are therefore beyond the scope of this decision.
10. Given the above, I am satisfied that the Council acted reasonably in all respects. As such, the appeal could not have been avoided and no unnecessary or wasted expense was consequently incurred. For this reason and having regard to all other matters raised, an award of costs is therefore not justified.

Joanne Burston

INSPECTOR