



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: 08.11.2018

Costs Decision

Site visit made on 31/10/18

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 08.11.2018

Costs application in relation to Appeal Ref: APP/E6840/A/18/3207076

Site address: 1 Ramp Cottage, Undy, Caldicot, Monmouthshire NP26 3EY

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 Nigel Hughes for a full award of costs against Monmouthshire County Council.
 - The appeal was against the refusal of planning permission for the variation of condition 2 (removal of archaeological watching brief) relating to application DC/2014/00423.
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Decision

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

Reasons

2. The Development Management Manual Section 12 Annex – Award of Costs advises at paragraph 1.2 that "*Parties are expected to meet their own costs.... 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 Section 12 Annex 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.
 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.
 5. There was a period of some 9 weeks between the validation and the determination of the application. The evidence does not show that the Council caused deliberate delay. Therefore, I found the Council's approach to be entirely proportionate and directly related to the application before them.
 6. Nevertheless, the Council did not determine the application within the appropriate timescale, which is 8 weeks. Whilst not condoning the apparent inaction of the Council and its delay, which is most unfortunate, this would not seem to be a case
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where better communication with the appellant would have enabled the appeal to be avoided altogether.

7. Turning to the appeal process. The appeal was validated on 28 August 2018, which marked the start of the timetable. Accordingly the ministerial target for this case was set at 11 December 2018. Given the date of the appeal decision there is no evidence of a delay in the appeal process. 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.
8. I acknowledge the concerns raised by the appellant regarding the cost of the required archaeological programme of works. However, such matters are beyond the scope of this decision.
9. Given the above, I am satisfied that the Council and all parties involved in the application and appeal processes acted reasonably in all respects. 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