



## Costs Decision

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

an Inspector appointed by the Welsh Ministers

Decision date: 19.12.2023

Costs application in relation to Appeal Ref: CAS-02633-G3J5P6

Site address: 25 Beaulieu Barn, Kymin Road, The Kymin, Monmouthshire, NP25 3SD

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- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
  - The application is made by Mr J Tuttle for a full award of costs against Monmouthshire County Council.
  - The appeal was against the against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
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### Decision

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

### Reasons

2. The Development Management Manual advises that 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. The costs application is made on the grounds the Council had no substantive reason not to determine the appeal application within the statutory time limit.
3. The appellant does not dispute he was advised to support the appeal application with a statement from an ecologist. No such statement was submitted and the local planning authority was duty bound, in light of the potential impact of removing the condition on protected species, to seek specialist advice before determining the application.
4. The appeal application was submitted on 22 December 2022. The Council was closed over the Christmas period and, therefore, unable to process the application or seek the necessary advice until the holiday period was over. In my view, this is a substantive and reasonable ground for failing to meet the statutory time limit.

### Conclusion

5. I therefore find that unreasonable behaviour resulting in unnecessary expense has not been demonstrated and the application for an award of costs is refused.

*A Thickett*

Inspector