



## Costs Decision

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by G Hall BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 06/02/2025

Costs application in relation to Appeal Ref: CAS-03747-T5M5P5

Site address: Millers Arms, Mathern Road, Mathern, Monmouthshire NP16 6JD

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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 Shaun Barnsley for an award of costs against Monmouthshire County Council.
  - The appeal was against the refusal of planning permission for the Retention of Timber Building.
  - A site visit was made on 14 January 2025.
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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 appellant argues that the Council acted unreasonably in refusing the planning application by failing to consider all relevant material considerations, leading to unnecessary additional costs at both the pre-application and appeal stages. However, as outlined in the Officer Report, the Council did take into account matters such as the social and viability benefits of the proposed scheme but concluded that these did not outweigh the identified harm to the Conservation Area (CA); a finding with which I concur for the reasons set out in the substantive decision. It is also apparent that, in considering the proposal, the Council took account of relevant policies of its Local Development Plan (LDP) and of the general aims of national planning policy. Whilst the full details have not been submitted, the other example development referred to by the appellant appears to differ materially in its design and is therefore not fairly comparable to the appeal scheme.
4. Para 3.11 (f) of the Annex states that local planning authorities are at risk of an award of costs being made against them if they do not determine or provide a position on similar cases in a consistent manner where there has been no material change in circumstances. The appellant contends that the Council acted inconsistently by initially advising at the pre-application stage that the principle of an outbuilding was acceptable, subject to an appropriate visual impact within the wider streetscape, only to later refuse the planning application. However, the Council's pre-application advice aligns with its subsequent decision in recognising the potential acceptability of a building on the site, but

subject to a satisfactory siting and appearance which takes account of its sensitive position within the CA. There is therefore little to indicate that the Council's pre-application advice ultimately ended in an unnecessary appeal.

5. In any case, the Annex states that where a local planning authority has refused an application that is not in accordance with relevant development plan policy and no material considerations indicate that permission should have been granted, there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application. Whilst the Council Officer Report does not specifically allude to the principles of inclusive design as identified in national planning policy, there is little to indicate that this would have had a material bearing on the outcome of the planning application.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Annex, has not been demonstrated. The application for an award of costs is refused.

*G Hall*

INSPECTOR