



## Costs Decision

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by Richard E. Jenkins BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 24/04/2025

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Cost application in relation to Appeal A - Ref: CAS-03489-N9P2F0

Site address: 1 Monnow Keep, Monmouth, Monmouthshire, NP25 3EX

- The application is made under the Town and Country Planning Act 1990, Sections 174, 322C and Schedule 6.
  - The application is made by Alex Dawson for a full award of costs against Monmouthshire County Council.
  - The appeal was against an Enforcement Notice alleging: 1) Engineering works to raise the ground so that it is level with the domestic garden of No.1 Monnow Keep, with associated retaining wall and timber fence above; and 2) Change of use of riverbank to residential use of the land shown edged blue within Appendix B in association with the dwelling known as 1 Monnow Keep.
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Cost application in relation to Appeal B - Ref: CAS-03492-Q9Y8Q4

Site address: 1 Monnow Keep, Monmouth, Monmouthshire, NP25 3EX

- The application is made under the Town and Country Planning Act 1990, Sections 78, 322C and Schedule 6.
  - The application is made by Alex Dawson for a full award of costs against Monmouthshire County Council.
  - The appeal was against the refusal of planning permission for the change of use of land into garden and first floor rear extension.
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### Decisions

#### ***Appeal A - Ref: CAS-03489-N9P2F0***

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

#### ***Appeal B - Ref: CAS-03492-Q9Y8Q4***

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

### Procedural Matters

3. As set out above, the applications for an award of costs relate to Appeal A (Ref: CAS-03489-N9P2F0) and Appeal B (Ref: CAS-03492-Q9Y8Q4). Given that the

arguments in favour of an award of costs overlap the two cases, I shall deal with both applications together in this single document.

### **Reasons**

4. The 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
5. I am not persuaded that the delays, allegedly caused by Monmouthshire County Council failing to reply to correspondence, constitute unreasonable behaviour for the purposes of the Development Management Manual. Indeed, the works were undertaken at the appellant's discretion and, notwithstanding this, there is evidence that the Council did engage with the appellant during both the planning application and enforcement proceedings. The planning application also appears to have been determined promptly.
6. An incorrect date was used on the initial Enforcement Notice. However, this did not cause any significant injustice to the appellant and was subsequently corrected. I also have no specific concerns about the chronology of the enforcement proceedings, not least because they followed the refusal of planning permission for the matters that constitute the alleged breach of planning control.
7. On this basis, and in the absence of any evidence to the contrary, I find that the appellant has failed to demonstrate that unreasonable behaviour, that led to unnecessary or wasted expense through the appeals, has occurred. The applications for an award of costs must therefore be refused.

*Richard E. Jenkins*

INSPECTOR