



Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 30/03/2

gan **P J Davies BSc (Hons) MA MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 26.05.22

Costs Decision

Site visit made on 30/03/2

by **P J Davies BSc (Hons) MA MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 26.05.22

Costs application in relation to Appeal Ref: CAS-01516-C5Q4L9

Site address: Dandderwen, Abercych, Boncath, Pembrokeshire SA37 0EZ

The Welsh Ministers have transferred the authority to decide this application 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 Chris Walford for a full award of costs against Pembrokeshire County Council.
 - The appeal was against a refusal to grant planning permission for a change of use of garage to residential holiday let.
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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 application is made on a number of procedural and substantive grounds relating to the way the Council processed the application and the substance of its decision.
4. Firstly, it is contended that the Council failed to seek additional information from the appellant to demonstrate whether the proposed connection to the mains sewerage network is feasible or not. Nonetheless, the Officer's delegated report has full regard to the issues around connection, including consultation with the relevant water authorities. The cost application does not say what information might have been provided but in any case, I consider that the issue of the feasibility of connection was comprehensively addressed by the Council. As such, there would have been little value in seeking any further information from the appellant.
5. It is said that the Council's assertion that connection to the main sewer was feasible is erroneous and irrational. However, as I found, the Council's approach was consistent

with national and local planning policy. It was not therefore erroneous or irrational, and accordingly, I do not find that development was unreasonably prevented or delayed.

6. It is also alleged that the Council failed to substantiate the impact of the revised proposal on the River Teifi Special Area of Conservation (SAC). However, it is clear in the Officer's delegated report that the revised proposal was considered during the decision-making process. Whilst a HRA assessment was not carried out on the revised proposal, this would have resulted in an unnecessary use of resources because it was already established that the principle of the revised drainage would conflict with national guidance and the development plan. I note that the decision notice refers to the superseded scheme, however I do not consider that this has led to unnecessary or wasted expense in pursuing the appeal because the Council's position was otherwise clear.
7. My attention is drawn to a chronology of events, but these also relate to a separate planning application that is outside the scope of the appeal. There appears to have been requests for further information to enable the Council to fully assess the application and whilst this might have resulted in delay, there is little to suggest that this amounted to unreasonable behaviour.
8. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not justified.

Conclusion

9. The costs application is refused.

P J Davies

Inspector