



## Costs Decision

by **Ken McEntee**

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 8 July 2020

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### Appeal ref: APP/V3310/L/19/1200344: Application for costs

- The costs application is made under Regulation 121 of the Community Infrastructure Levy Regulations 2010.
- The application is made by Sedgemoor Council against the appellant, [REDACTED].
- The appeal was made under section 218 of the Planning Act 2008 and Regulation 117(1)(b) of the CIL Regulations.

**Summary of decision: The application fails and no award of costs is being made.**

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### Reasons for the decision

1. The application for costs has been considered by reference to the Planning Practice Guidance on awards of costs (as published on the Gov.uk website), the appeal papers, the correspondence on costs and all the relevant circumstances.
2. The basis of the Council's claim appears to be that the appellant acted unreasonably by submitting an appeal that stood no reasonable prospect of succeeding, causing the Council to incur wasted expense in having to resist it. However, while I have dismissed the appeal, I do not consider it was in any way frivolous as the appellant produced a reasoned and arguable case in support of it. Therefore, I am satisfied the appellant did not submit an appeal that stood no reasonable prospect of success and consequently he has not acted unreasonably. No award of costs will therefore be made.

### Formal decision

3. For these reasons, no award of costs, on grounds of "unreasonable" behaviour resulting in wasted or unnecessary expense, is justified in the particular circumstances.
4. A copy of this letter has been sent to the appellant.

*K McEntee*