
Costs Decision

Site visit made on 26 August 2016

by Chris Couper BA (Hons) DiP TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 September 2016

**Costs application in relation to Appeal Ref: APP/J9497/D/16/3153283
New Cottages, Road from Lower Meavy Bridge to Marchants Way, Meavy,
Devon PL20 6PN**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Scott Jackson for a full award of costs against Dartmoor National Park Authority.
 - The appeal was against the refusal of planning permission for a single storey extension to the side and rear of the existing residential dwelling.
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Decision

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

Reasons

2. In its response to the costs application the Council refers to Circular 03/2009. However, that was withdrawn in 2014 and replaced by the Planning Practice Guidance ('Guidance'). I have therefore had no regard to that Circular in my decision.
3. The Guidance advises that all parties in appeals should normally meet their own expenses. However, it continues that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. At ID 16-20140306 paragraphs 046 to 050 the Guidance sets out when an award of costs may be made against a local planning authority. That includes a non-exhaustive list of procedural and substantive matters. It states that parties are expected to behave reasonably throughout the planning process, and that behaviour and actions at the time of the planning application can be taken into account.
5. The applicant sets out that the case officer was supportive at pre-application stage, but then recommended the scheme for refusal. Furthermore, he alleges that the Committee erred in its understanding of the changes that had been made, and did not appreciate the Conservation Officer's finding that the harm caused would be 'less than significant'. Finally, he maintains that the Council did not adequately consider the benefits of the proposal in providing support to a vital member of this rural community.

6. For my part, whilst I note that there were pre-application discussions following the refusal of a previous scheme, the Council states that no elevational drawings were submitted at that stage. In the email to the applicant provided at Appendix 2 of the appellant's appeal statement, the officer noted that attempts had been made to address the scheme's bulk through the introduction of more glazing, but it also set out that the extension's impact on the conservation area would need to be assessed. That advice was referred to in the Committee report ('report').
7. Consequently, on the basis of the evidence before me, I do not agree that the applicant was 'encouraged' to submit the scheme, and it was not unreasonable for officers to consider its full impact when further details, including elevations and the Conservation Area Statement, were available.
8. Turning to the Committee's consideration of the proposal, Officers state that, in addition to the report, the scheme was presented to Members with photographs and plans. I have no substantive evidence to support the applicant's claim that members erred in their understanding of the changes that had been made.
9. The Historic Building Officer's comments were included in the report, albeit that did not include his comments that the proposal would 'cause less than substantial harm to the significance of heritage assets'. In that regard, the report is incomplete, particularly as it then fails to weigh the alleged harm to the conservation area against the public benefits of the proposal, as required by paragraph 134 of the National Planning Policy Framework.
10. However, at paragraph 17 of my appeal decision I have found that there is limited evidence of this family's specific needs, and that the public benefits would be limited and do not outweigh the harm that would be caused to the conservation area.
11. At ID: 16-050-20140306 the Guidance sets out that where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs for unreasonable refusal of an application.
12. From the evidence of the report, I accept that there may have been some failings in the Council's assessment of the proposal. However, having regard to the advice in the Planning Practice Guidance, particularly at paragraph 50, and my findings in the appeal decision, I am not persuaded that the Council should have granted permission. For all those reasons I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, has not been demonstrated.

Chris Couper

INSPECTOR