
Costs Decision

Site visit made on 7 November 2016

by Thomas Bristow BA MSc MRTPI

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

Decision date: 01 December 2016

Costs application in relation to Appeal Ref: APP/X1118/D/16/3159325 Merrivale Cottage, Meridian Place, Ilfracombe EX34 9HH

- The application is made under the Town and Country Planning Act 1990 as amended, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr David Wood for a full award of costs against North Devon District Council.
 - The appeal was against the refusal of planning permission for development described in the application form as the '*installation of external wall insulation to all elevations of the property in a neutral colour (white/ cream/ grey)*'.
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Decision

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

Reasons

2. Irrespective of the outcome of the appeal, the *Planning Practice Guidance* (the 'Guidance') sets out that costs may only 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.¹
3. The appellant's case for an award of costs is essentially that the Council failed to act consistently in refusing permission for the development to which the appeal relates whilst allowing similar development at No 2 Highfield Road which is located nearby, and in so doing resulted in his incurring costs.
4. However, as identified in the appeal, there are material differences between No 2 Highfield Road and No 10 Meridian Place, notably in the nature of the surrounding built environment. Moreover matters of character and appearance are reliant upon planning judgement based on the nature of the development proposed and its surrounding context on a case-by-case basis.
5. The Council clearly explained within their officer report associated with the application the various site-specific factors that led them to refuse permission based on the particular merits of the proposal. In this context it cannot therefore be said that they acted unreasonably in this respect, and indeed I arrived at the same conclusion in determining the appeal.
6. Furthermore the appellant avers that the external wall insulation proposed, the development to which the appeal relates, would have benefitted from grant

¹ Reference ID: 16-030-20140306.

funding amounting to £7000 it if had been installed before 30 September 2016. As such the appellant seeks recompense for this amount.

7. However there is nothing with the associated *Notice of approval of application for pioneer places grant*,² to indicate that 30 September 2016 marks the end of funding availability for the development proposed, but rather this indicates that if works are likely to go on beyond this date to '*tell the Council, as soon as possible, if you think you will need to ask for an extension*'.
8. There is furthermore correspondence from the Council dated 12 February 2016 before me which sets out that if works are not completed by this date that the Council '*may have to reconsider our approval of your grant*', not that the grant will automatically be withdrawn.
9. Nevertheless, and even if grant funding for the development proposed expired on 30 September 2016, costs may only be claimed in relation to the appeal process, and cannot extend to compensation for indirect losses such as those resulting from delay at application stage.³ As such the costs which the appellant has identified in this context cannot be claimed for.
10. For the above reasons I am not of the view that unreasonable behaviour resulting in unnecessary expense has been demonstrated. I therefore conclude with reference to the approach in the Guidance that an award of costs is not justified in this instance.

Thomas Bristow

INSPECTOR

² Ref PP/201500003 approved on 12 February 2016.

³ Guidance Reference ID: 16-033-20140306.