
Costs Decision

Site visit made on 6 December 2016

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 1 February 2017

Costs application in relation to Appeal Ref: APP/W1145/W/16/3157369 19 Greenway Drive, Westward Ho! EX39 1FG

- 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 David Beer for a full award of costs against Torridge District Council.
 - The appeal was against the refusal of the Council to grant planning permission for 35 units of holiday accommodation together with associated landscaping without complying with conditions attached to planning permission Ref.11/1121/2013/FULM.
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Decision

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

Reasons

2. As set out in the Planning Practice Guidance (PPG), costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG also says that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications, or by unreasonably defending appeals.
4. Moreover, an award of costs might be justified where, amongst other things, a local planning authority prevents or delays development which should clearly be permitted, having regard to the development plan, national policy, and other material considerations; fails to produce evidence to substantiate each reason for refusal at appeal; makes vague, generalised or inaccurate assertions about the proposals' impact which are unsupported by objective analysis; or does not determine similar cases in a consistent manner.
5. In my parallel appeal decision, for the reasons set out, I have agreed with the Council's approach to the proposal and dismissed the appeal. It must follow from that that the Council did not prevent or delay development which should clearly be permitted, having regard to the development plan, national policy, and other material considerations.
6. I accept that the Council did not produce specific economic evidence to justify their stance. However, the importance of tourism to Westward Ho! And the district is obvious, and made very plain in the approach of the development plan to the provision of holiday accommodation, amongst other things.

7. In that context, I do not accept that the Council failed to produce evidence to justify their stance and neither were the points they made in support of their case vague, generalised or inaccurate. As far as consistency is concerned, the example pointed to by the appellant turns on its own site-specific issues. I see no unreasonable inconsistency in the Council's approach.
8. It is clear that there was some confusion about the outcome of the original application. It seems to me that this was a genuine error on the part of the Council which did not cause the appellant to incur unnecessary or wasted expense in the appeal process
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is not, therefore, justified.

Paul Griffiths

INSPECTOR