
Costs Decision

Site visit made on 17 January 2017

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 06 February 2017

Costs application in relation to Appeal Ref: APP/P1133/W/16/3158461 Bronzerock View, Teignmouth Road, Holcombe, Teignmouth EX7 0JF

- 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 Bronzerock Ltd for a full award of costs against Teignbridge District Council.
 - The appeal was against the refusal of planning permission for change of use of land from the stationing of seven static holiday caravans to the stationing of seven park homes.
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Decision

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

Reasons

2. The National Planning Practice Guidance (PPG) advises that 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. It is argued that the Council failed to properly take into account the appellant's supporting case. However, The Officer Report contained comments from the Housing Enabling Officer and Policy Officer explaining why the proposed development was not considered to directly benefit local needs, even though it would increase the supply of lower cost market housing. It was also asserted that park homes are open market dwellings and therefore the Local Plan¹ is not silent on that issue. Reference was also made to the Housing Act 1985.
4. Guided by these comments, the case officer concluded that the proposed development would be contrary to Policy S22 of the Local Plan. The key points of the appellant's case were therefore taken into account and clear planning reasons were provided to indicate why the application was recommended for refusal, even if the appellant disagrees with them.
5. The appellant argues that the Council failed to identify any adverse impacts. However, it is made clear that Policy S22 limits new housing in the open countryside. By implication, a development in conflict with the policy would undermine these objectives. As such, it is reasonably apparent from reading the Officer Report why the development was considered to be harmful.

¹ Teignbridge Local Plan 2013-2033

6. Paragraph 14 of the Framework² advises that, in terms of decision making, proposals that accord with the development plan should be approved without delay. However, it was evident that the Council considered the application to be in conflict with the development plan. The final bullet-point of paragraph 14 (which only applies when the development plan is silent, absent or out of date) was not relevant. No evidence was provided to suggest that the Local Plan is out of date and the Officer Report had already established that the plan was not silent with regards to park homes.
7. The law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The weight attributed to material considerations are largely matters of planning judgement. Even though I gave significant weight to the extant planning permission within my Decision, the Council's stance in relation to this matter was entirely reasonable. Furthermore, I agree with the Council that there are clear differences between the circumstances of the appeal proposal and the planning permissions and Appeal Decisions on other sites which are quoted within the appellant's evidence. Hence, these are not necessarily matters that should have led to the Officer Report reaching a different conclusion. The appeal would not have necessarily been avoided.
8. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

Colin Cresswell

INSPECTOR

² National Planning Policy Framework.