
Costs Decision

Site visit made on 28 February 2017

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 08 March 2017

**Costs application in relation to Appeal Ref: APP/P1133/D/16/3166206
Finola, Fore Street, Bishopsteignton, Devon TQ14 9QZ**

- 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 Simon Lovell for a partial award of costs against Teignbridge District Council.
 - The appeal was against the refusal of planning permission for loft conversion.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises 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.
3. The application for costs was made on the basis that the applicant was involved in wasted costs in responding to requests from the Council for amended plans and other issues at the application stage.
4. The PPG (Reference ID: 16-033-20140306) makes clear that costs cannot be claimed for the period during the determination of the planning application, and that costs can only be awarded in relation to unnecessary or wasted expense at the appeal.
5. It seems to me that it was for the applicant to decide whether to agree with the Council's request for amended plans. It was up to him as to whether to commission amended plans or to ask the Council to determine the application as originally submitted, and thus any costs associated with that were a matter for the applicant.
6. I have seen nothing to show that the Council's behaviour at the application stage led to any additional or wasted expense at the appeal stage.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

RJ Jackson

INSPECTOR
