

Costs Decision

Site visit made on 16 November 2016

by J F Powis BA (Hons) MSc MRTPI

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

Decision date: 10 March 2017

Costs application in relation to Appeal Ref: APP/Q1153/W/16/3154578 Land at Newcombe Close, Okehampton, Devon EX20 1UG

- 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 L Waldron of Linden Homes for a full award of costs against West Devon Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the erection of a single bungalow and single garage with creation of ample amenity space.
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) 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 applicant submits that in failing to decide the planning application within the prescribed period, the Council has delayed development and caused the applicant to incur unnecessary expense in pursuing appeal proceedings. I note that the application was validated on 1 March 2016 and remained undetermined at the date of submission of the appeal on 15 July 2016.
 4. The Guidance states that in any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the relevant period.
 5. In its submissions, the Council has explained that its reasons for not reaching a decision within the relevant time limit relate to staff shortages. It has also set out three main reasons why permission would not have been granted had the application been determined within the relevant period and I have dealt with these matters in my appeal decision. It is evident that the appeal would have been necessary in any event.
 6. Paragraphs 19 and 20 of my appeal decision conclude that the proposal would cause unacceptable harm in terms of its effects on both local character and appearance and living conditions and therefore that the appeal should fail. It follows that the Council's behaviour in handling the application did not delay the development or cause the applicant to incur unnecessary expense, since I have found that the development should not be permitted, having regard to its
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accordance with the development plan, national policy and other material considerations.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

J F Powis

INSPECTOR