
Costs Decision

Site visit made on 22 January 2018

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2018

**Costs application in relation to Appeal Ref: APP/Y1110/W/17/3179387
Land to the north of WESC, Topsham Road, Exeter, Devon, EX2.**

- 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 A D P & E Farmers for a full award of costs against Exeter City Council.
- The appeal was against the refusal of planning permission for up to 123 houses and associated infrastructure.

Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance advises that parties in appeal proceedings normally meet their own expenses. However, 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. Matters relating to landscape and visual impact assessment are largely subjective. The appellant's evidence and the planning officer's report to committee acknowledge that the proposed development would result in some adverse impacts. The appeal site forms part of the Ludwell Valley Park (LVP), which is the subject of a development plan policy and a separate management plan. In addition, there is a history of applications/appeals to develop this site.
4. In considering the proposal Members of the Council would have been familiar with the site and surroundings and, amongst other things, would have noted the comments within the officer's report that *"Previously assessments have concluded that development of the site would damage the landscape character and appearance of the Valley Park and these views have been supported by an Appeal Inspector and the Secretary of State."* It is unsurprising that concerns were expressed by the Council over the impact on the LVP/setting of Exeter.
5. Members were also aware of the housing land supply situation within the city, the implications of the 'tilted balance' and the benefits that would be derived from the appeal scheme. In substantiating its concerns at appeal stage the Council commissioned a firm of landscape architects to undertake a landscape appraisal of the site/appeal scheme. Amongst other things, this identified the value of the site to the LVP and the setting of Exeter. It was not unreasonable for the Council to find that the adverse impacts significantly and demonstrably outweighed the benefits. This costs application should not therefore succeed.

Neil Pope
Inspector