
Costs Decision

Site visit made on 25 June 2018

by M Bale BA (hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2018

**Costs application in relation to Appeal Ref: APP/X1118/W/18/3197627
James Sherlock Motorcycles, 3 Horsepond Meadow, South Molton, Devon
EX36 4EJ**

- 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 J Sherlock for a full award of costs against North Devon Council.
 - The appeal was against the refusal of planning permission for the raising of roof to existing industrial unit to form office.
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Decision

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

Reasons

2. The Planning Practice 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 National Planning Policy Framework encourages Local Planning Authorities to support rural businesses, but this does not go so far as requiring all applications for planning permission to be granted if, for example, the Council determined that material planning harm would arise. Whilst I understand the appellant's frustration over the delays in dealing with the application, an extension of time to determine it was agreed and the Council subsequently shared their concerns with the appellant.
4. The Council's concerns, expressed in email communication to the appellant and then in their officer's report, clearly focussed on overbearing effects, relating to outlook from the neighbouring properties. They did not relate to light or overshadowing. Decisions must be made in accordance with the development plan unless material considerations indicate otherwise, so it is a reasonable starting point from which to address any alleged harm. However, whilst neither the adopted nor emerging policies make specific reference to outlook, it is nevertheless a material planning consideration.
5. Although I have found that harm to outlook would not occur, a reasoned argument has been consistently put forward by the Council. Whether or not it would have been helpful for the Council to proactively seek to understand the appellant's full business requirements, the submissions that were made relating to light did not address the Council's concerns.

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

M Bale

INSPECTOR