



Costs Decision

Site visit made on 3 June 2019

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th June 2019

Costs application in relation to Appeal Ref: APP/W1145/W/19/3220228 Land adjacent to Allens Lane, Cookbury, Devon EX22 7BA

- 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 William Skeats for a full award of costs against Torridge District 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 animal centre private to dwellinghouse, plus dwellinghouse and infrastructure, domestic agricultural sheds, owners rest/tea room, virtual shop.
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Decision

1. The application for 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 applicant has referred to costs incurred at the stage of submission of the appeal application. As these costs were not incurred during the appeal process, they are not a matter before me.
4. The applicant refers to the Article 4 Direction that applies to the area and the alleged differences in the way his own planning matters are dealt with in contrast to that of adjoining landowners. I do not have sufficient evidence to conclude that any additional appeal costs have been incurred as a result of the existence of the Article 4 Direction, the processes through which it was made or any developments on adjoining land that are a direct consequence of the Article 4 Direction.
5. I do not have any evidence that the enforcement action, or lack thereof, on the appeal site or adjoining land has directly resulted in additional costs in the appeal process. Similarly, the alleged blocking of the applicant's access does not appear to have resulted in any costs directly related to the appeal.
6. From the evidence provided with the appeal costs application, it is clear that the applicant has sought maintenance and improvements to the access lane over a considerable period prior to the submission of the appeal. Whilst the condition of the lane is a factor in relation to the unsuitability of the site for the intended purposes, it is not the only determinative factor. As such, whilst these

costs have resulted in expense for the applicant, these do not appear to have been incurred during the appeal process.

7. The applicant raises a concern that the Council has made derogatory remarks towards him and professionals acting on his behalf, and that his own correspondence was not derogatory and merely intended to provide clarification. The derogatory content of the correspondence between the parties or otherwise is not a matter before me unless that directly relates to the handling of the appeal application, appeal itself or any costs incurred in the appeal process, which does not appear to be the case in this instance.
8. The applicant infers that the appeal could have been avoided were the decision reached by the Council's Planning Committee rather than by officers under delegated powers. I do not have any evidence to suggest that the decision on the appeal application was made other than on the basis of its merits, irrespective of the way in which it was reached in relation to the Council's Scheme of Delegation.
9. Whilst I appreciate that the outcome of the appeal application will have been a disappointment to the applicant, the Council were not unreasonable in coming to that decision, and indeed following consideration of the proposal on its merits, I have concurred with the Council.
10. Consequently, based on the information before me there is no evidence that demonstrates that the Council have behaved unreasonably, either substantively or procedurally, in relation to its consideration and determination of the planning application or handling of the appeal.
11. For these reasons, and having regard to all other matters raised, a full or partial award of costs is therefore not justified.

Hollie Nicholls

INSPECTOR