



Costs Decision

Site visit made on 13 May 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 06 August 2019

Costs application in relation to Appeal Ref: APP/X1118/W/19/3223710 Deer Haven, Green Lane, Swimbridge, Barnstaple EX32 0FF

- 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 Bird of ARB Marine for a full award of costs against North Devon District Council.
 - The appeal was against the refusal of planning permission for a proposal described as 'resubmission of previously withdrawn application 64831 to convert an existing rural building to form a live/work unit'.
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Decision

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

Reasons

2. The Planning Practice Guidance¹ advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense.
3. The applicant submits that the Council has acted unreasonably in relation to its deferral of the application at its committee meeting, and that it unreasonably exceeded the terms of the deferral.
4. The applicant's cost claim relates to the behaviour of the Council for the period during the determination of the planning application. Paragraph 033 of the Planning Practice Guidance² advises that costs can only be awarded in relation to unnecessary or wasted expense at the appeal stage, although the behaviour and actions at the time of the planning application can be taken into account.
5. At the Council's first committee meeting a motion to approve the application was put forward and seconded, however a formal planning decision was not made at that meeting. Instead, after a further vote, the council took what appears to have been a reasonable decision to defer the application to a further committee meeting, to give time for additional information to be collated and presented to committee members for further consideration, before it made its formal decision. At the second meeting the Council refused the application, taking into account the additional information that had been prepared in the interim period. Having reviewed the evidence put forward I can find nothing to

¹ Planning Practice Guidance Paragraph 030 Reference ID: 16-030-20140306

² Planning Practice Guidance Paragraph 033 Reference ID: 16-033-20140306

suggest that the Council's behaviour led it to unreasonably refuse the application, or that its decision was unreasonably delayed.

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

Andrew Tucker

INSPECTOR