
Costs Decision

Site visit made on 24 June 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Costs application in relation to Appeal Ref: APP/X1165/D/19/3226453 15 Fletcher Close, Cockington with Chelston, Torquay TQ2 6DD

- 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 Daniel Hobbin for a full award of costs against Torbay Council.
 - The appeal was against the refusal of planning permission for 'construction of decking in rear garden. Creation of extra parking space to the front of the property with increased access to the highway'.
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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 appellant has sought costs to cover the additional professional fees incurred in preparation of the appeal. No details of alleged unreasonable behaviour have been provided in support of the application for costs. The mere fact of refusing a planning application necessitating the appeal of a decision does not in itself amount to unreasonable behaviour. The Council's refusal notice states which policies have been considered and are relevant. I find that the reason for refusal is adequately supported by the analysis provided within the officer report and how the proposal would result in an unacceptable effect upon the living conditions of occupiers of neighbouring residential properties.

Conclusion

4. For the reasons outlined above, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Consequently, an award of costs is not justified.

Robert Lankshear

INSPECTOR