The Planning Inspectorate

Costs Decision

Site visit made on 10 September 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2019

Costs application in relation to Appeal Ref: APP/W1145/W/19/3231716
East Staddon, Hartland, Bideford EX39 6EG

- 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 Mrs Debbie Symons for a full award of costs against Torridge District Council.
- The appeal was against the refusal of planning permission for conversion of garage to annex for dependent relative without complying with a condition attached to planning permission Ref 1/1321/2014/FUL, dated 1 May 2015.

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby directly caused the party applying for costs to incur unnecessary expense in the appeal process.

3. The applicant submits that the Council has acted unreasonably by failing to properly publish the planning application or engage proactively with the applicant prior to its determination. It did not fully assess the proposal against the development plan, has been inconsistent in its decision making and it should have granted planning permission, preventing the need for the appeal.

4. The Council found the site to be isolated and did not consider the building to be redundant or disused. These are matters of judgment and the Council adequately substantiated its case at the appeal. Without prejudice to its position, it applied the criteria within Policy DM27 of the North Devon and Torridge Local Plan 2011-2031 during the appeal and found conflict.

5. The Council considered that the scheme at Long Furlong did constitute the reuse of a redundant building. The circumstances in that case were therefore different. Given such, and as each case is considered on its own individual merits and on the basis of the evidence available, I find no substantive inconsistency in the Council's approach.

6. As the two covering letters submitted in support of the planning application pertain to the health of a third party, I understand why they were not published. However, the content of the letters was acknowledged within the Officer Report which supports the Council's decision. The lack of publication did not therefore prejudice the Council's consideration of the scheme.

7. The Council could have engaged with the applicant earlier. However, given its consistent position with regard to the scheme, there is no substantive basis upon which to conclude that discussion between the parties would have avoided the need for the appeal. Furthermore, the applicant also had the opportunity to initiate engagement pursuant to a pre-application enquiry or at an earlier stage, prior to determination of the planning application.

Conclusion

8. Whilst I appreciate that the outcome of the application will have been a disappointment to the applicant, I find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated.

Matthew Jones

INSPECTOR