
Costs Decision

Site visit made on 23 September 2019

by M Harris BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Costs application in relation to Appeal Ref: APP/P1133/D/19/3235404 41 Cofton Hill, Cockwood, Exeter, Devon EX6 8RB

- 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 Michael Lipscombe for a full award of costs against Teignbridge District Council.
 - The appeal was against the refusal of planning permission without complying with condition No 2 attached to planning permission Ref 16/01205/FUL dated 28 July 2016.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may only be awarded where a party has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. In this particular case, the appellant considers that the Council has failed to adequately justify their reason for refusing the application having regard to an appropriate analysis of the area.
4. The Council's Officer Report sets out their professional assessment of the impact of allowing a change to the materials from render to weatherboarding. This report includes a consideration of relevant local planning policy together with the context of the surrounding built environment. The reason for refusal cited on the decision notice addresses these points. It is clear that the Council have provided evidence of their analysis, have assessed the proposal and set out their reasons. There is nothing to suggest that the decision was unreasonable since it was a matter of planning judgement.
5. The appeal followed the Householder Appeal Service route which does not allow the Council an opportunity to comment on the appellant's case. Despite this, the Council have responded to this costs application by setting out, as discussed above, that the Officers Report addressed the issues in dispute. On this basis, there is nothing to suggest that the Council have acted unreasonably in the appeal process. There is also nothing to suggest that unnecessary or wasted expense has been incurred as the appellant exercised the right of appeal rather than to implement the previously approved scheme.
6. The application also refers to discussions with the Council regarding the most appropriate type of application to secure the changes being sought. I agree

with the Council that this issue is not relevant to the application for costs as it is outside of the appeal process.

Conclusion

7. For these reasons, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is not justified.

M Harris

INSPECTOR