



Costs Decision

Site visit made on 9 July 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Costs application in relation to Appeal Ref: APP/J9497/W/19/3226423 Ashmill Farm, Road from Whitchurch to Park House, Grenofen PL19 9EW

- 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 R Phillips for a full award of costs against Dartmoor National Park Authority.
- The appeal was against the refusal of planning permission for change of use of barn to dwelling.

Decision

1. The application 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. The PPG is clear that parties normally take responsibility for their own costs.
3. The applicant submits that the Authority did not give sufficient weight to the viability assessments in reaching its decision. It should have deferred the proposal's appearance at planning committee to allow further dialogue on this issue, which would have likely resulted in planning permission being granted and the appeal being avoided. At the appeal, the Authority failed to substantiate its reason for refusal or engage properly with the viability and heritage evidence.
4. The Authority assessed the proposal on its own merits, having regard to the relevant development plan policies, and gave a clearly articulated reason for refusal in its decision notice. The cited development plan policies set several requirements which reach beyond the single issue of viability. At the committee meeting, officers advised that the proposal was not in accordance with the policies in the development plan notwithstanding the new viability information. The committee report concludes that the scheme is so removed from the development plan that no changes could be negotiated to allow officer support.
5. This indicates to me that the reason for refusal and the Authority's case did not turn solely on viability. I am therefore satisfied that further engagement on this issue, through deferral of the scheme's appearance at planning committee, would not itself have avoided the appeal.
6. I agree that the Authority did not fully address the viability and heritage issues raised during the appeal. However, Paragraph 6.4 of the Authority's appeal statement set out its position that the need to first demonstrate that a business

use is not feasible or viable was not met. I agreed with this view. For this reason, the matters relating to viability and heritage were not determinative in my decision. As such, had the Authority dealt with this evidence in greater detail, it would not have narrowed the issues at hand. As the appeal was not allowed, the Authority's conduct has not delayed the granting of planning permission.

7. Consequently, whilst I appreciate the applicant's frustration regarding the level of engagement with the viability evidence throughout the planning process, it does not constitute unreasonable behaviour that directly caused unnecessary expense in the appeal process.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Matthew Jones

INSPECTOR