
Costs Decision

Site visit made on 15 October 2019

by Roy Curnow MA BSC(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2019

Costs application in relation to Appeal Ref: APP/Y1138/W/19/3228742 58 Higher Street, Cullompton EX15 1AJ

- 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 Gary Cowley for a full award of costs against Mid Devon District Council.
 - The appeal was against the decision of the Council to grant subject to conditions planning permission for erection of rear extension, retention of store after demolition of outbuildings and the reinstatement of boundary to highway, with a pedestrian access only.
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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 claims a full award of costs for unnecessary and wasted expense but provides no reasoning in support of his claim.
4. The Council's initial decision to attach the condition was based on technical advice given by the local highway authority. Amongst other things, Planning Practice Guidance indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal. Here, the Council's case substantiated its use of the condition and was well-founded, being reliant on a relevant development plan policy and national guidance.
5. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the Applicant was put to unnecessary or wasted expense.

Conclusion

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

Roy Curnow

INSPECTOR