



Costs Decision

Site visit made on 22 May 2019

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2019

Costs application in relation to Appeal Ref: APP/N1160/W/18/3215620 135 Alexandra Road, Mutley, Plymouth PL4 7EG

- 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 I Layford of St Augustines (Ply) Ltd for a partial award of costs Plymouth City Council.
 - The appeal was against the refusal of planning permission for the change of use to allow hotel (Use Class C1) in addition to the consented student use.
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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 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 PPG sets out that examples of unreasonable behaviour by local planning authorities which may result in an award of costs include: preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant is seeking a partial award of costs against the Council with regard to grounds for refusal 1 and 3. Grounds for refusal 1 being the effects from the proposed dual use on student welfare, and grounds for refusal 3, being whether the hotel use would be of a suitable standard and in an appropriate location.
5. With regard to grounds for refusal 1, the appellant contends that vague opinions about the quality of the accommodation and the perceived harm to student welfare have been presented as reasons for refusal.
6. The Council's Planning Officer's Report and Statement of Case set out a detailed assessment of the appeal proposal on this matter. Referring to a perceived conflict between the differing needs between the two uses, including the short-term arrangements for hotel occupiers; that students would desire safe and secure environments to live, study and socialise amongst their peers; and that disruption could occur as a result of the likely frequent changes of

- occupancy of the C1 hotel use, and that such a continual change could disrupt a safe and secure environment for students.
7. Accordingly, although I have reached a different conclusion to the Council on grounds for refusal 1, The reason for refusal has been adequately substantiated by the Council in its Planning Officer's Report, Statement of Case and supported by reasoned analysis. Furthermore, the reason was precise, detailed and clearly stated the local and national policies and guidance with which a conflict was identified.
 8. Turning to grounds for refusal 3, the appellant contends that policies in the development plan have been misapplied and that vague opinions have been made about the quality of the accommodation.
 9. Whilst I acknowledge that the appeal site falls outside of Plymouth's core tourism area as referred to in policy PLY21 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (the JLP), nonetheless, the policy is also of relevance to development outside of the core tourism area, on the basis that such development provides support for proposals which protect and deliver growth for Plymouth's visitor economy in its core tourism area. Similarly, Policy SO3 of the JLP in seeking to realise the potential of the City Centre and Waterfront Growth Area as a regionally significant growth hub is also applicable to developments outside of Plymouth's City Centre and Waterfront Growth Area.
 10. Further, the Council have referred me to the 'Plymouth Hotel Market Study' (2014) (the PHMS) which identifies market opportunities for higher quality accommodation in the city and outlines that this opportunity is not being met by the current tourism accommodation offer.
 11. Whilst I have found in favour of the proposal in my appeal decision and I therefore disagreed with the Council's reasons for refusing permission on these matters, the Planning Officer's Report and the Council's Statement of Case nevertheless sets out an assessment of the appeal proposal against the development plan and other material planning considerations which are of relevance to the decision. The assessment of the suitability of the accommodation and its location is also supported by comments from the Council's Economic Development Department who have identified their perceived conflict with the proposal against Policies PLY21 and SO3 of the JLP. I am therefore satisfied that there is a reasoned approach to the Council's conclusions in this regard.
 12. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. It therefore follows that an award of costs is not justified and the application fails.

J Evans

INSPECTOR