



Costs Decision

Site visit made on 8 January 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2020

Costs application in relation to Appeal Ref: APP/U1105/W/19/3235921 The Blue Ball Inn, Trow Hill, Steven's Cross, Sidmouth EX10 9QL

- 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 Punch Partnerships (PML) Limited for a partial award of costs against East Devon District Council.
 - The appeal was against the refusal of planning permission for proposed erection of three detached dwellings and private car parking with associated new private vehicular access, landscaping, boundary treatments, drainage and ground works, and reconfiguration of the existing car park.
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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 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. The applicant considers that the Council acted unreasonably by failing to produce evidence, and making vague, generalised or inaccurate assertions, unsupported by any objective analysis, in relation to the first reason for refusal on the Decision Notice.
3. The Council did not produce its own evidence in relation to parking demand. However, the Council's Officer Report provides details as to the size and capacity of The Blue Ball Inn and objectively deliberates on parking demand in relation to both seasonal considerations and the Inn's facilities and patron capacity/use. Its Decision Notice sets out clear and substantiated refusal reasons based on conflict with the development plan. The Council's appeal statement then substantiated the reasons for refusal and the alleged harm, and responded to the appellant's appeal statement and the further details generated by the additional parking survey.
4. In dismissing the appeal, I have found that the proposed reduction in parking for the Inn would be unacceptable, with particular regard to the viability of the public house and the living conditions of surrounding residents. The proposed development therefore conflicts with the development plan in relation to this matter. This indicates that the reason for refusal in relation to this issue was not unreasonable and there is little substantive evidence before me that the Council made inaccurate assertions.
5. Although the applicant may disagree with the Council's position, such disagreement does not mean that the Council behaved unreasonably. The

available evidence also indicates that the Council suggested agreeing the timing of additional parking surveys but that the second survey was carried out without its timing having been agreed. The difference between 'peak season' and 'more peak season' does not lead me to a different conclusion, and it was not unreasonable for the Council to make a decision on the planning application without agreeing to extend the determination date.

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

Tobias Gethin

INSPECTOR