
Costs Decision

Site visit made on 24 February 2020

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2020

Costs application in relation to Appeal Ref: APP/W1145/W/19/3239892 Land opposite Caradon View, Halwill EX21 5UF

- 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 G Baker for a full award of costs against Torridge District Council.
 - The appeal was against the refusal of for erection of agricultural machinery and hay store and hard standing.
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Decision

1. The application for 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 that he incurred wasted expense through the submission of the appeal which was unnecessary given that the site utilises an existing point of access and that no material change in traffic will occur.
4. Whilst it may be that the proposal would utilise an existing access, the appellant appears to accept that this is substandard and amendments thereto are proposed in any case. In my view, the Council is not unreasonable for anticipating changes in the frequency of the traffic that uses the site, even if the changes would be relatively modest in the context of the site's lawful use.
5. From the evidence, it appears that the appellant's agent and Council were in regular dialogue throughout the course of the appeal application. The appellant's agent also directly communicated with the County Council's Highways Officer in respect of the same matter. Whilst agreement could not be reached before the parties, it does not appear that the Council failed to engage with the matter or dismissed matters out of hand.
6. Consequently, based on the information before me, there is no evidence that demonstrates that the Council have behaved unreasonably, either substantively or procedurally, in relation to its determination of the appeal application and nor was the appeal avoidable. For these reasons, and having regard to all other matters raised, an award of costs is therefore not justified.

Hollie Nicholls

INSPECTOR