The Planning Inspectorate

# Costs Decision

Site visit made on 19 February 2020

**by C Cresswell BSc (Hons) MA MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 02 April 2020**

**Costs application in relation to Appeal Ref: APP/Q1153/W/19/3242298**
**Liphill Quay, Road from Tuckham Bridge to Ley Lane, Bere Ferrers PL20 7JY**

- 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 West Devon Borough Council for a partial award of costs against Mr & Mrs Ellis.
- The appeal was against the refusal of planning permission for a holiday unit.

## Decision

1. The application for an award of costs is refused.

## Reasons

2. The NPPG[1] advises that costs may only be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.

3. In this case, the appellants' agent made an application for costs against the Council which was later withdrawn. However, by that time, the Council had already prepared their rebuttal statement. It is argued that this led to unnecessary expenses being incurred by the Council.

4. Considering that the Council was potentially faced with paying the appellant's costs, I can appreciate why a decision was taken to prepare a rebuttal. Nonetheless, it is very apparent from reading the appellant's cost application that it most likely refers to a different appeal within another local authority. This is acknowledged in the Council's rebuttal statement. Although time was clearly spent preparing this rebuttal, it seems to me that the appellant's agent made little more than an administrative error.

5. In my view, it would not be in the spirit of the costs regime to determine that the appellant's actions were 'unreasonable' in this case. While an error was made, it was easily spotted and later addressed by withdrawal of the initial costs application. Overall, I consider that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

*C Cresswell*

INSPECTOR

[1] National Planning Practice Guidance.