



Costs Decision

Site visit made on 10 March 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2020

Costs application in relation to Appeal Ref: APP/W1145/D/19/3239729 Little Meadows, Road from The Square to Battledown Cross, Shebbear, EX21 5SG

- 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 Mrs Linda Chapman for a full award of costs against Torridge District Council.
 - The appeal was against the refusal of planning permission for a rear two storey extension and front porch and new car port and new driveway to front.
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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 requested pre-application advice from the Council, hoping to provide greater certainty and ensure that an acceptable application was made. Pre-application discussions are encouraged by the National Planning Policy Framework in order to promote effective and efficient decision making. My attention has been drawn to another Costs Decision¹ where costs were awarded after a local planning authority did not follow pre-application advice, but I do not have the benefit of full details of that case on which to draw any particular comparison.
4. In this case, the appellant's pre-application request described the proposal in some detail and the response received from the Council suggests that the officer understood that it would be for a two-storey extension. The advice given did not discourage the submission of an application but did note that no detailed elevation drawings had been provided and that a site visit was required. Thus, whilst the appellant may remain unhappy with the pre-application service received, and the Council's response to a complaint in that regard, the pre-application advice clearly sets out a need for some subsequent, more detailed assessment.
5. In determining the application, the Council refused permission for two reasons based upon alleged conflicts with the development plan. The relevant issues, and consideration of associated policies, involved the exercise of planning

¹ APP/J9497/D/17/3185212

- judgement. The alleged harms are clearly stated on the decision notice, with specific reference to a number of properties. The Council's conclusion that harm would arise would reasonably have resulted in a corresponding conflict with the stated policies.
6. The reasons for refusal are further supported by the officer's report which provides greater context. Whilst the appellant points to factual errors in the report, including in the stated dimensions of the proposal, find nothing so significant as to suggest that the Council's officers did not understand the proposal before them, or that a different decision would have resulted.
 7. Much of the appellant's costs application relates to the planning merits of the case, which are the subject of my main appeal decision. I have not agreed with the Council's decision, and my finding that no harm would arise leads to a conclusion that there would be no conflict with the development plan. However, although the Council may not have any locally adopted design standards and may not have provided any positive suggestions to overcome their concerns, that is not to say that they were manifestly unreasonable in exercising the judgement that they did.
 8. I have been directed to a potential fallback position whereby an extension could be constructed under permitted development rights. However, whether or not such an option is available to the appellant, such would appear to have resulted in a lower building. Accordingly, it would likely have been a substantially different scheme to that placed before the Council, and me.
 9. I, therefore, find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated.

M Bale

INSPECTOR