
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: 21st April 2020.

Costs application in relation to Appeal Refs: APP/K1128/W/19/3241910, APP/K1128/W/19/3241914, APP/K1128/W/19/3241916, APP/K1128/W/19/3241924, APP/K1128/W/19/3241935, APP/K1128/W/19/3241927, APP/K1128/W/19/3241931 & APP/K1128/W/19/3241936

Hillfield Village, Bugford Cross to Yeomans, Hillfield TQ6 0LX

- 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 John Palmer, Yellow Bridge Developments Ltd. for a full award of costs against South Hams District Council.
 - The appeals were against the refusals to grant planning permission without complying with conditions restricting accommodation to holiday accommodation and preventing permanent occupation on a variety of planning permissions as set out in detail, in my main decision letter.
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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 appeals relate to occupancy restricted dwellings that have already been found appropriate in planning terms and there would be no material change of use. However, the effect of the proposals would be to create unrestricted dwellings in a location where they would not ordinarily be permitted. It is not unreasonable, therefore, to consider the proposals in the context of those policies relating to permanent dwellings. The way that the units are currently able to be used is a material consideration.
4. Whilst the Council's officer report did not give clear analysis of other appeal decisions¹ where this was a relevant matter, I have found differences in the circumstances between those and the present appeals. Moreover, those other decisions do not suggest that the location of the site is not a relevant matter. Given the requirements of relevant development plan policies² relating to the development of communities, consideration of these appeals and assessment of the appropriateness of location should not be solely limited to the narrow issue of comparing transport movements.

¹ Appeal Refs. 3190814 & 3195196

² Policies SPT1 and SPT2 of the Plymouth and South West Devon Joint Local Plan 2019

5. Turning to the loss of tourist accommodation, Policy DEV15 of the Plymouth and South West Devon Joint Local Plan 2019 does not distinguish between units for sale and rent. However, whether or not the Council should have made suggestions about the appellant's intent, or that difficulties in selling units were not a material consideration, the reason for refusal relating to this issue clearly indicates that the evidence is insufficient to demonstrate that there is no proven demand.
6. Whilst the Council has not given explicit consideration to the appellant's evidence in this regard, for the reasons set out in my main decision, I too have found the evidence insufficient to demonstrate that the policy test is met.
7. I, therefore, find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

M Bale

INSPECTOR