



Costs Decision

Site visit made on 1 June 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2020

Costs application in relation to Appeal Ref: APP/U1105/W/20/3244536 8 Mill Street, Ottery St Mary EX11 1AD

- 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 S Philips for a full award of costs against East Devon District Council.
 - The appeal was against the refusal of planning permission for the conversion of ground and 1st floors to 4no. apartments (Class Use A1 to Class C3).
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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.
3. The applicant requests that the cost of the appeal preparation and application be awarded on the basis of the appeal being unnecessary and a wasted expense. However, I have not been pointed to any specific behaviour of the Council which is said to have been unreasonable and which has directly caused the applicant to incur unnecessary or wasted expense in the appeal process.
4. The applicant may disagree with the Council's assessment and decision. However, this does not mean that the Council acted unreasonably in refusing planning permission. In this instance, the Council's Officer Report details and substantiates the alleged harm and its Decision Notice sets out a clear, complete refusal reason based on conflict with the development plan and national policy.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Tobias Gethin

INSPECTOR