
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: 18 June 2020

Costs application in relation to Appeal Ref: APP/U1105/W/19/3243903 Oaklands Farm, Access To Oaklands Farm, Monkton EX14 9QH

- 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 and Mrs Boote for a full award of costs against East Devon District Council.
 - The appeal was against the refusal of planning permission for change of use and conversion of existing farm shop/cafe and redundant agricultural buildings to create 5 no. dwellings together with extensive landscaping, vehicle parking and access.
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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. The applicants consider that the Council's position on a recent scheme at the Otter Valley Golf Course which was allowed on appeal (Appeal Ref APP/U1105/W/19/3234774) constitutes unreasonable behaviour and that this led to them being put to the costs of an appeal.
3. I recognise that the two statements in the Officer Report – "officer view differs from that of the Inspector" and "Whilst the Inspector's view in relation to the sustainability of that site is respected it is not shared" – indicate that the Council does not agree with that appeal decision. I also note that the Council did not challenge the decision in the courts. However, the Officer Report does deliberate on the circumstances of that scheme and compares and contrasts it with the appeal proposal. The Council's appeal statement further elaborates on the differences between the two. Accordingly, and despite the above statements, it is clear to me that the Council gave sufficient consideration to that scheme and did not disregard a material planning consideration.
4. Consistency in decision making is clearly important, as confirmed by case law. However, the Council is not required to follow decisions on other schemes where a case can be made that they are not directly comparable. In this instance, the evidence put to me indicated that the scheme at the Otter Valley Golf Course was of limited relevance to the acceptability of the appeal proposal. I subsequently attached only limited weight to it in my appeal decision.
5. The applicant may disagree with the Council's assessment of the appeal proposal and the differences it identified with the scheme at the Otter Valley

Golf Course. However, this does not mean that the Council failed to pay sufficient regard to it and that it therefore acted unreasonably in refusing planning permission.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Tobias Gethin

INSPECTOR