
Costs Decision

Site visit made on 16 June 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2020

Costs application in relation to Appeal Ref: APP/N1160/W/20/3247029 10 Pollard Close, Plymouth PL9 9RR

- 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 QH Properties Ltd for a full award of costs against Plymouth City Council.
 - The appeal was against the refusal of planning permission for demolition of ancillary buildings to number 10 Pollard Close and construction of a new dwelling house.
-

Decision

1. The application for costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) 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 applicant initially referred to costs incurred at the stage of submission and consideration, including surveys required to validate the application and the planning application fee itself. The PPG indicates costs can only be awarded in relation to unnecessary or wasted expense during the appeal stage, although behaviour and actions at the time of the planning application can be taken into account¹. As those costs sought were not incurred during the appeal process, they are not a matter before me.
4. Further to receipt of the Council's response to the application for costs, the applicant has indicated that the Council was reluctant to engage in discussions about potential amendments and has wrongly refused permission for a development that should have been permitted, given its accordance with the Development Plan and national policies. This brings into question whether the appeal was necessary and whether the applicant has been put to unnecessary expense in submitting the appeal.
5. The application was determined in accordance with the statutory timescales and the time given between the Council highlighting its concerns and subsequently refusing permission was not unreasonable. There does not appear to have been any amended plans prepared or declined by the Council. As such, whilst I appreciate that the outcome of the appeal application will have been a disappointment to the applicant, the Council was not unreasonable in coming to

1. Paragraph: 033 Reference ID: 16-033-20140306

that decision, and indeed following consideration of the proposal on its merits, I have concurred with the Council on the main issues.

6. Consequently, based on the information before me, there is no evidence to demonstrate that the Council has behaved unreasonably, either substantively or procedurally, in relation to its consideration and determination of the matter at either application or appeal stage. The applicant was not unnecessarily put to the expense of submitting the appeal.
7. For these reasons, and having regard to all other matters raised, a full or partial award of costs is therefore not justified.

Hollie Nicholls

INSPECTOR