
Costs Decision

Site visit made on 3 August 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Costs application in relation to Appeal Ref: APP/P1133/W/20/3253205 Land adjacent to 6 Mulberry Street, Teignmouth, Devon TQ14 8EJ

- 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 G Tranckle of Hannon Homes Ltd for a full award of costs against Teignbridge District Council.
 - The appeal was against the refusal of planning permission for the construction of a pair of semi detached two storey dwellings.
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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 applicant considers that the Council acted unreasonably by preventing development which should clearly be permitted, by failing to produce evidence to substantiate its refusal reasons and providing vague, generalised or inaccurate assertions which are unsupported by objective analysis.
3. It has been put to me that Council Officers approached the planning application collaboratively and therefore presented the scheme to members at Committee with a supportive and comprehensive officer report. I have noted the Officer's recommendation and the minutes of the Committee meetings, provided as part of the appeal documents, where the planning application was considered by Members. However, Members are not required to accept the professional advice of Officers so long as a case can be made for the contrary view.
4. In this case, the Council's refusal reasons are complete, precise, specific and relevant to the development proposed. The Decision Notice details the alleged harm and the local planning policies that Members considered the development conflicts with. The minutes of the Committee meetings indicate that the merits of the development were discussed and various issues considered and debated, including the matters covered by the refusal reasons. Although somewhat brief in some respects, the Council's appeal statement subsequently elaborates on the refusal reasons and the Council's concerns with the proposed development, and includes sufficient detail and evidence to substantiate its position.
5. Although I have come to a different conclusion to the Council and have allowed the appeal, Members are not bound to accept the advice of their Officers, for the reasons set out above. I therefore find that unreasonable behaviour

resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. In coming to this view, I note the suggestion that the Council needed to demonstrate that the appeal proposal would have resulted in significant and demonstrable harm. However, the presumption in favour of sustainable development set out in paragraph 11d of the National Planning Policy Framework was not applicable to the appeal proposal.

Tobias Gethin

INSPECTOR