
Costs Decision

Site visit made on 26 October 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2020

**Costs application in relation to Appeal Ref: APP/Q1153/W/20/3256087
Land adjacent to Haseley, Butcher Park Hill, Tavistock, Devon, PL19 0EH.**

- 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 Chris Hicks for a full award of costs against West Devon Borough Council (the LPA).
 - The appeal was against the refusal of planning permission for the erection of a detached three bedroom dormer bungalow with integral garage, external parking, new vehicular access and external works.
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Decision

1. The application is refused.

Reasons

2. The Government's Planning Practice Guidance advises that parties in appeal proceedings normally meet their own costs, but costs may be awarded against a party who has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Local planning authorities may be at risk of an award of costs where they fail to produce evidence to substantiate a reason for refusal or provide vague or generalised assertions about a proposal's impact, which are unsupported by any objective analysis.
4. In support of the reasons for refusal, Devon County Council as the Mineral Planning Authority (MPA) submitted a detailed Statement. In addition, the County Council's comments, acting as the Local Highway Authority (LHA), were included as part of the LPA's Statement. Through these Statements, the LPA was able to substantiate its concerns and address the matters raised in the grounds of appeal. Cogent evidence was produced by and in support of the LPA to fully justify its decision to withhold planning permission.
5. Having determined very many appeals over many years, including numerous costs applications, this is one of the most surprising applications I have received. The LPA, supported by the County Council in its role as MPA and LHA, was able to demonstrate that there were clear and sound planning reasons for refusing permission. It did not therefore act unreasonably or cause the appellant to incur unnecessary or wasted expense.
6. Given all of the above, I conclude that the application should be refused.

Neil Pope
Inspector