



Costs Decision

Site visit made on 20 October 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Costs application in relation to Appeal Ref: APP/P1133/W/20/3255924 The Old Mill, Beaston, Broadhempston, Totnes, Devon TQ9 6BX

- 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 D and M.S.J Densham for a full award of costs against Teignbridge District Council.
 - The appeal was against the refusal of permission for '*Teignbridge Local Plan Review - Call for Sites July 2018 Site Reference b212nyy Windfall Site Erection of Three Houses*'.
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Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant submits that the Council has not behaved in a reasonable manner as required by the National Planning Policy Framework (the Framework), which has caused the applicants and their family considerable stress and caused unnecessary additional expense.
4. The Framework requires Council's to approach decisions in a positive and creative way and approve sustainable development where possible. In this case, a conflict with the development plan was identified by the Council and substantiated using relevant development plan policy and by the reasoning expressed within the planning officer report. The Council exercised legitimate planning judgment to form the opinion that the scheme did not represent sustainable development, and there is no indication that it could have adopted a more creative or positive approach in order to reach a different decision.
5. Whilst it is understandable that the application and appeal processes placed stress upon the appellants and their family, I do not consider this attributable to any behaviour of the Council. There is also no evidence that the Council's behaviour caused the appellant to incur unnecessary or wasted expense.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and that an award of costs is not justified.

Matthew Jones

INSPECTOR