



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: 09 December 2020

Costs application in relation to Appeal Ref: APP/Y1138/W/20/3255583 Bradford Farm, Uplozman Road, Uplozman EX16 7DQ

- 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 A Fields for a full award of costs against Mid Devon District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the retention of external works already undertaken and proposed change of use of redundant farm buildings to mixed B1a and B8 use..
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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 applicants consider that the Council, in its failure to determine the appeal, delayed development that should have been permitted. However, the timeline of events, and the evidence around the events, suggests that much of the delay was due to genuine negotiation between the parties, the inevitable time constraints of taking proposals to planning committee, the legitimate desire for members to opt to visit the site, and then the coronavirus pandemic.
4. These, not unreasonable, delays were then compounded by the Council's procedure of taking member decisions to refuse permission back for review at a subsequent committee meeting. It is entirely understandable that the applicants, having already experienced long delays, were unable to wait for this process to play out. However, had they done so the evidence suggests that permission would have been refused at the next committee meeting. I have no reason to believe that the decision would have been subject to further delay.
5. The reason for refusal given after the lodging of the appeal focuses on the ultimately subjective matter of character and appearance. At the appeal the Council adequately substantiated its concerns in this regard and relied upon relevant planning policy in the process.
6. Whilst the applicants have listed several other criteria for unreasonable behaviour from the PPG, by and large, their other submissions criticise the conduct and alleged motivations of members before the appeal. To my mind, these submissions would be more appropriately addressed to the Council's own

complaints procedures. It is not explained how the Council's case could have been dealt with by a condition, nor how the Council acted in a way at odds with case law. No conditions were imposed by the Council in this case.

7. 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