



Costs Decision

Site visit made on 27 January 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2021

Costs application in relation to Appeal Ref: APP/Y1110/W/20/3260542 20 Monks Road, Exeter EX4 7A2

- 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 R D and H M Sanders for a full award of costs against Exeter City 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 change of use from domestic garage to mixed use of office (use class B1) and storage (use class B8).
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Decision

1. The application for costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (the 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 expense in the appeal process.
3. Whilst concerns were raised by the Council within its appeal statement, the Council also stated that suitable conditions would overcome said concerns. The procedural matters raised in relation to the description of development were not legitimate reasons to refuse planning permission or fail to determine the application. Whilst I recognise that the pandemic may well have caused staffing issues, this is not an adequate justification for the significant delay and the limited communication experienced by the applicants in this case, which began at the validation stage and continued from there.
4. As such, there were no substantive reasons to justify delaying determination, and indeed the permitting, of the planning application. It is likely that better communication with the applicants would have enabled the appeal to be avoided altogether. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

5. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Exeter City Council shall pay to Mr and Mrs R D and H M Sanders the costs of the appeal proceedings described in the heading of this decision.

6. The applicants are now invited to submit to Exeter City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Matthew Jones

INSPECTOR