
Costs Decision

Site visit made on 9 March 2021

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 19 March 2021

Costs application in relation to Appeal Ref: APP/Y1138/W/20/3253752 Land north of Frog Street, Bampton, Devon EX16 9PX

- 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 Land Allocation Ltd 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 a mixed use development of Use Class C3 residential and Use Class B1 employment.
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Decision

1. The application for an award of costs is refused.

Reasons

2. I have considered this application for costs in the light of the Government's Planning Practice Guidance (PPG). This advises that an award of costs against a local planning authority may be procedural, relating to the appeal process, or substantive, relating to the planning merits of the appeal.
3. The appellants' claim is effectively that the Council, in failing to determine the outline application, have behaved unreasonably and caused the appellants to experience wasted expenses in having to appeal.
4. The Council certainly failed to determine the application and, as they accept, they regrettably did not seek an extension of time. However, this happened at the start of the current Coronavirus Pandemic when homeworking was first introduced, so there are, to my mind, very unusual extenuating circumstances.
5. The Council did however produce a statement which comprehensively outlined the reasons why it would have refused planning permission had it determined the application in a timely manner. It follows that an appeal would in any case have been necessary, and that the appellants have not incurred unnecessary or wasted expense in this respect.
6. Furthermore, the PPG makes clear that, whilst behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded, the costs regime is targeted primarily at the appeal process rather than the application process.

Conclusion

7. In light of the above I consider that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated, and an award of costs is not therefore justified.

John Wilde

Inspector