



Costs Decision

Site visit made on 19 May 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2021

Costs application in relation to Appeal Ref: APP/P1133/W/21/3267199 2 Brook Cottages, Road From Cross Cottages To Yarner House, Netherton TQ12 4RW

- 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 L Joint for a full award of costs against Teignbridge 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 conversion and extension of redundant agricultural buildings, removal of mobile home and new vehicular access.
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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 directly incur unnecessary expense in the appeal process.
3. The applicants assert that the Council has acted unreasonably in its delays in responding to the planning application and communicating its concerns to the applicants, which ultimately led to the necessity of an appeal.
4. The delays that the applicants experienced can be explained to a degree by the issues of staff shortages and the related problems posed by the pandemic last year. However, this becomes less satisfactory by the events of December 2020, In particular, at this time the Council's Conservation Officer made a written objection to the scheme that was not, for reasons unexplained, forwarded to the applicants by the case officer, nor was it published to the Council's public website until March 2021, after the appeal had been lodged.
5. It is difficult to believe that what must have been a simple task of relaying the objection was an issue that can be rationally excused by the staffing shortages and/or the pandemic by this time. It created a situation where the applicants made an appeal whilst not cognisant of the existence of key evidence which ultimately underpinned part of the Council's case at the appeal. The Council's conduct from December 2020 and failure to pass on the Conservation Officer's objection in particular is therefore a clear example of unreasonable behaviour.
6. Nonetheless, it is logical, given the limited correspondence that did take place between the Council and the applicants and the existence of the Conservation Officer's objection, that had the appeal not been lodged, the Council would

have refused to grant planning permission in any event. Moreover, I have ultimately found that the Conservation Officer was right to object to the proposal on heritage grounds.

7. Consequently, whilst I can understand the justified frustration that the applicants would have felt during the planning process, there is no substantive evidence that the Council has acted unreasonably in a way which has directly led to the incursion of unnecessary expense, as described in the PPG, in the appeal process itself. For this reason, an award of costs is not justified.

Matthew Jones

INSPECTOR