The Planning Inspectorate

Costs Decisions

Site visit made on 8 June 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 June 2021

Costs application A in relation to Appeal Ref: APP/F9498/W/21/3267931
Edbrooke Farm, Acland Lane, Cutcombe, Wheddon Cross TA24 7EL

- 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 & Mrs MA & SS Sanders for a full award of costs against Exmoor National Park Authority.
- The appeal was against the refusal of planning permission for extension of existing dwelling to provide a home office and utility room and associated works.

Costs application B in relation to Appeal Ref: APP/F9498/Y/21/3267929
Edbrooke Farm, Acland Lane, Cutcombe, Wheddon Cross TA24 7EL

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
- The application is made by Mr & Mrs MA & SS Sanders for a full award of costs against Exmoor National Park Authority.
- The appeal was against the refusal of listed building consent for extension of existing dwelling to provide a home office and utility room and associated works.

Decision A

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

Decision B

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

Preliminary Matter

3. The applications have been submitted on the same grounds for both appeals. The appeals relate to the same proposal under different legislation. I have dealt with both applications together in my reasoning.

Reasons

4. The Planning Practice Guidance[1] advises that, irrespective of the outcome of an 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.

5. The applicants submit that Exmoor National Park Authority (ENPA) failed to take material considerations into account in its determination of the applications, which resulted in preventing or delaying development which should clearly be permitted. The evidence before me of ENPA's consideration of

[1] Planning Practice Guidance Paragraph 030 Reference ID: 16-030-20140306

the proposals is limited, however I note that its officer reports acknowledge the presence of the existing extension and the affect that this would have on the visibility of the proposed office extension. The reports also acknowledge that the office extension would be located in the position of a former barn and would result in the reinstatement of the historic footprint of the building. I am therefore satisfied that the evidence is sufficient to demonstrate that the ENPA took these material considerations into account.

6. In my appeal decisions I did not find that the ENPA's application of Policy HC-D15 of the Exmoor National Park Local Plan 2011-2031 to be irrational or inconsistent.

7. The applicants also submit that the ENPA made inaccurate assertions about the proposal's impact, that was unsupported by an objective analysis. However, I have not found that the ENPA's assessment of the proposal's impact included inaccurate assertions. The officer reports are sufficient to demonstrate that it undertook an objective analysis of the proposal.

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

A Tucker

INSPECTOR