



Costs Decision

Hearing held on 30 June 2021

Site visit made on 1 July 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 18 August 2021

Appeal Ref: APP/K1128/W/20/3260083

Lower Rockledge, Devon Road, Salcombe, Devon, TQ8 8HJ

- 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 Peter Williams for a full award of costs against South Hams District Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for construction of a new two storey house with ancillary external paths and terraces and renewal of external staircase.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant submits that the Council has acted unreasonably and caused it to incur unnecessary expense. In summary, the reasons given are that:
 - the main issue was not clearly communicated at the pre-application stage,
 - the appellant's proposed solutions, such as a section 106 obligation and building structure, were not adequately considered by the Council, and
 - the reason for refusal and relevant policies are unclear.
4. While it is unfortunate that the importance of potential future harm to the trees was not fully recognised at an early stage, the advice given at the pre-application stage is not binding on any future decision made by the Council.
5. I am satisfied that the Council adequately explains why it does not consider a Section 106 to be an appropriate solution. I do not find the Council's conclusions regarding the importance of the building structure inadequate because protection of residents within the building and resilience of the overall structure are only part of the concern, albeit the use of 'irrelevant' was perhaps not the most diplomatic wording.
6. The reason for refusal is clear. It is unfortunate that the refusal notice does not refer to policies, but they are clearly referenced in the officer report and

evidence has not been provided that this omission has led to wasted expense on behalf of the appellant.

Conclusion

7. In light of the above I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated. An award for costs is therefore not justified.

B Davies

INSPECTOR