
Costs Decisions

Site visit made on 8 September 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 September 2021

Appeal A: APP/P1133/W/21/3273565

1 The Linney, Ley Green Farm, Teigngrace, Devon TQ12 6QN

- 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 Ian Morrell for a full award of costs against Teignbridge District Council.
 - The appeal was against a refusal of the local planning authority to grant planning permission for development described as a single-storey extension at rear of building.
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Appeal B: APP/P1133/Y/21/3273567

1 The Linney, Ley Green Farm, Teigngrace, Devon TQ12 6QN

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Ian Morrell for a full award of costs against Teignbridge District Council.
 - The appeal was against a refusal of the local planning authority to grant listed building consent for works described as a single-storey extension at rear of building.
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Decisions

1. The application for an award of costs in relation to Appeal A is dismissed.
2. The application for an award of costs in relation to Appeal B is dismissed.

Reasons

3. 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.
4. The applicant claims that the Council acted unreasonably in relation to both Appeals on grounds which I summarise as:
 - (a) incorrectly identifying the appeal property as a listed building;
 - (b) basing its decision on advice which was not informed by a site visit; and
 - (c) failing to undertake a proper planning balance.
5. In relation to Ground (a), I understand the applicant's claim to be that had the Council considered that the building was not listed from the outset, the application subject of Appeal B would not have been submitted, or therefore subsequently appealed following refusal.

6. However, the applicant's claim is directly undermined by the comments of his own heritage consultant, who agreed with the Council that the building was curtilage listed. As set out within my main Decisions I have found no reason to conclude otherwise, including with regard to the planning history of the site. Therefore, though the building may not be listed in its own right, and may not be mentioned in the list description covering Leygreen Farmhouse, it is nonetheless covered by the listing of the latter. Ground (a) therefore fails.
7. In relation to Ground (b), I understand the applicant's claim to be that the Council's decision was not soundly based. Here I appreciate that the parties disagree over the appropriate means by which a scheme can be assessed. Be that as it may, whatever the means the Council employed, I broadly agree with its assessment. That being so, Ground (b) fails.
8. In relation to Ground (c), I understand the applicant's claim to be that had the Council undertaken a proper balance it would have approved the schemes, thus again avoiding the need for the appeals. In this regard both officer reports set out the heritage balance as required by the National Planning Policy Framework, and the planning application subject of Appeal A was determined in accordance with the development plan, as is required by statute.
9. The Council identified no public benefits in the context of the heritage balance, and no relevant planning considerations which indicated the appropriateness of a decision other than one in accordance with the development plan in the context of the planning application. However, nor have any been identified by the appellant at appeal. Again, this is a matter I have addressed within my main Decisions. Whilst it is true to say that I additionally found that negligible economic benefits would be generated by building work, these were not cited by either party, and were in any case incapable of altering the balance in the scheme's favour. The above being so, Ground (c) fails.
10. I find therefore that the Council did not act unreasonably on any of the Grounds claimed by the applicant, and that consequently the applicant did not incur unnecessary or wasted expense in the appeal process.

Conclusions

11. For the reasons set out above, I find that the applicant's claim for an award of costs in relation to both Appeal A and Appeal B should be dismissed.

Benjamin Webb

INSPECTOR