



Costs Decision

Site visit made on 14 July 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Costs application in relation to Appeal Ref: APP/Y1110/W/20/3265339 Longbrook Terrace, Exeter EX4 4EU

- 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 M Hookway for a full award of costs against Exeter City Council.
 - The appeal was against the refusal of planning permission for rear tenement extension to uplift the existing 6-bedroom HMO to an 8-bedroom HMO with improved sanitary accommodation.
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Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant asserts that the Council has acted unreasonably as its decision is inconsistent with its decision to grant permission for a very similar scheme at 1 Longbrook Terrace in 2016. The evidence put forward by the applicant during the processing of the planning application was not fully considered, the case officer may have sought to omit members from the decision making process and the Council has failed to comply with Paragraph 38 of the Framework.
4. The Council accepted that its decision was inconsistent with the 2016 decision in its officer report, before planning permission was refused. In doing so, it set out detailed reasons why it considered the 2016 decision to be flawed. Whilst consistency is important, I do not consider it necessary or indeed conducive to good decision making for Councils to be unnecessarily wedded to past decisions it demonstrably considers defective. That is particularly so here, given the Council's statutory duty to the CA¹.
5. The matters that drove the Council's decision, relating to housing mix, living conditions and heritage, are all grounded in subjectivity. The Council's reasoning on all counts was sufficiently substantiated by the officer report. Moreover, in my view the Council did engage proactively with the applicant, as can be seen in the more detailed correspondence which took place after the 22 May email. In these circumstances, the comments made by the applicant about the intentions of the case officer are also unsubstantiated by the evidence.

¹ Under S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

6. As such, whilst I have ultimately agreed with the applicant about the merits of the appeal scheme, the Council's decision and the way it was made were not unreasonable.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. An award of costs is not justified.

Matthew Jones

INSPECTOR