



Costs Decision

Site visit made on 22 September 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2021

Costs application in relation to Appeal Ref: APP/Y1138/W/21/3274393 Duvale Priory, Road From Black Cat Cross To Halfpenny Cross, Bampton EX16 9EG

- 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 Joy Underhill of Oakford Trout for a full award of costs against Mid Devon District Council.
 - The appeal was against the refusal of planning permission for *'Currently the Large Function Hall has Planning permission for use for large functions i.e. a Wedding Reception Venue. The proposal is to have an additional use of a Multi-Function Hall, thus enabling socially distanced events to take place. These being ones of relatively small numbers which under current guidance cannot take place safely in smaller halls'*.
-

Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of an appeal, 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 has questioned the delay that was experienced around the processing of the application, particularly with regard to the planning committee meetings and delays and the necessity of advice being received from the Environmental Protection Officer. It is also asserted that the reason for refusal was unsubstantiated and without merit.
4. In my view, the Council's insistence that noise advice be obtained, combined with the appearance of the application at two separate committee meetings, did evidently delay the Council's decision. However, regardless of whether the Council acted reasonably or otherwise in relation to these matters, there is no evidence that these delays directly led to costs at the appeal itself.
5. This is because, the minutes of the 14 April committee meeting suggest a concern about the enforceability of the conditions, which was not a matter fully addressed in the evidence before members at that point. These concerns are reflected in the reason for refusal and the Council's appeal statement. The flexibility sought, in addition to restricting such a large building to only 30 people, potentially throws up discrete issues of enforceability. This is a matter I have not ultimately agreed with, but it was legitimate for members to raise. For this reason, the Council's decision cannot be said to be clearly unreasonable.

6. 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