



Costs Decision

Site visit made on 3 October 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

**Costs application in relation to Appeal Ref: APP/X1165/W/21/3277928
P&P Lifts, Edginswell Lane, Shiphay With Willows, Torquay TQ2 7JF**

- 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 and Mrs B and J Pile of P&P Lifts Ltd for a full award of costs against Torbay Council.
 - The appeal was against the refusal of an application for planning permission for addition of first floor to existing offices.
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Decision

1. The application is refused.

Reasons

1. 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. The applicants consider that the Council acted unreasonably in refusing two identical proposals for different reasons¹. The resubmitted planning application would not have been made if the applicants had been aware that the first decision was incorrect.
2. I note the comments made about the inconsistency between the two aforementioned refusals of planning permission at the site, and the criticism of the procedures that the Council currently has in place. However, it was ultimately the applicants' choice to utilise their right to appeal, regardless of any previous inconsistency between separate planning decisions. The evidence before the Council in each case was not entirely the same in any event, particularly around the issue of the logistics of the submitted parking layout.
3. 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

¹ Refs P/2020/1187 and P/2021/0100