



Costs Decision

Site visit made on 18 October 2021

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 26 November 2021

Costs application in relation to Appeal Ref: APP/K1128/W/21/3279039 5A Butt Park Terrace, Churchstow TQ7 3QN

- 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 Nick Grodhunce & Dave Pollard for an award of costs against South Hams District Council.
 - The appeal was against a refusal of planning permission for demolition of outbuildings, reconfiguration of Post Office and Shop and construction of 2 no. new dwellings with associated parking and infrastructure.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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 application for costs against the Council is based on the authority having initially indicated support for the proposal, and the subsequent delays that arose from the Council's requests for additional information and revisions to the scheme throughout the application process.
4. In this instance, whilst the pre-application discussions were favourable and the Council indicated initial support for the proposal, this support was given on a "without prejudice" basis. Such a response does not commit the Council to approving a scheme, otherwise the application process would essentially be redundant. Only once an application has been submitted, reviewed and consulted on, can a Council properly determine whether it meets relevant policy, or whether any further information or revisions may be necessary to help improve its prospects of success. This is a standard part of the application process. Whilst I appreciate that the applicant made every effort to provide the Council with the information and/or revisions as and when requested, the Council was therefore still entitled to refuse the application upon receipt of this information, even though this departed from its initial position of support.
5. In any event, the costs application in this instance primarily hinges on time and expense incurred during the course of the planning application, and not the appeal process. The PPG is clear that costs cannot be recovered in such circumstances.

6. For these reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated in this instance.

James Blackwell

INSPECTOR