
Costs Decision

Site visit made on 27 September 2021

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2021 - 3264903

Costs application in relation to Appeal Ref: APP/X1118/W/20/3264903 Pigginswood Stables, East Anstey, Devon EX16 9JS

- 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 Ms Julie Price for a full award of costs against North Devon District Council.
 - The appeal was against the refusal of the change of use of land from agricultural to equine & erection of stables together with formation of manege, without complying with conditions attached to planning permission Ref 61739, dated 7 November 2016.
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Decision

1. The application for 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. The PPG provides that Local Planning Authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, or by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
3. In response to the applicant's statement, with regard to Reason 1 of the refused planning permission, I would regard the wording used by the Council as sufficiently precise and concluded against adopted planning policy.
4. With regards to reasons 3 and 4, the issue is highway safety as a result of likely increases in traffic especially through the Blackerton Cross junction near the site. Firstly, I note that the Highways Authority did not object to the original planning application (ref: 61379), but they did note that this was on the basis that the stables were not used for business/commercial use. From the Statement of Case with the appeal it is clear that there would be some element of commercial use that the applicant wants to be able to pursue at the site, if only for a modest income. If this was clear with the original planning application then this may have resulted in the Highways Authority objecting to the proposal.
5. I note the late response from the Highway Authority to application 71380, which is regrettable as it did not give much time for the applicant to respond.

However, given the comments from the Highway Authority I am not persuaded that any additional time would have resulted in a more positive conclusion for this application with regards the varying/deletion of conditions. Furthermore, I do not regard it as reasonable to request that a Local Planning Authority disregard a consultee response that comes in late, especially in situations where the comments relate to safeguarding highway safety.

6. I understand that the applicant is concerned that there was no site visit, but the Council state that an earlier site visit had been undertaken and due to the pandemic it was decided not to visit again. I would regard this as reasonable in the circumstances and even if a site visit had been undertaken I am not persuaded this would have avoided the need for the planning appeal ultimately.
7. Therefore, I find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

S Rennie

INSPECTOR