



Costs Decision

Site visit made on 21 December 2021

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 18 January 2022

Costs application in relation to Appeal Ref: APP/X1118/W/21/3281827 1 Ty-Nant, The Stores, St Marys Road, Croyde EX33 1LF

- 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 Joel Briggs of Merchant Holdings for a full award of costs against North Devon District Council.
 - The appeal was against the refusal of planning permission for the conversion of first floor flat and office/store into 3 flats.
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Decision

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

Reasons

2. Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may only 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. Parties in planning appeals and other planning proceedings normally meet their own expenses.
3. The PPG includes examples of unreasonable behaviour, by planning authorities. Amongst other things, this can include, "vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis" and "persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable".
4. On the first of these issues and in relation to whether the Council provided only vague, generalised or inaccurate assertions, the reasons for the refusal set out in the decision notice are complete and precise, and further confirms the policies of the North Devon and Torridge Local Plan that it is maintained the proposal would conflict with. These reasons have been substantiated by the Council in its Officer Report.
5. As has been set out in the appeal decision, whilst the additional details and confirmation contained within the Appellant's submissions with regards to the specific numbers of parking spaces to be provided on site are acknowledged, the location plan provided in support of the planning application was not entirely clear regarding the number of vehicle parking spaces to be provided on site. The submitted location plan includes a number of boxed off areas within the forecourt area, two of which appear to be provided immediately to the front of the appeal building. However, there is a third boxed off area on the plan which appears to have different dimensions and by reason of the supporting

information provided, in my view it is not clear whether that third space is intended for future residents' parking or whether the area would be retained for other commercial uses in respect of the forecourt area.

6. Accordingly, I do not consider that the Council failed to properly evaluate the application. Nonetheless, I have accepted the details provided by the Applicant within the appeal submission that three parking spaces would be provided at the site and have determined the appeal on that basis.
7. For the reasons set out in the appeal decision I too have concerns regarding the impact of the now proposed parking on highway safety. I came to that decision having regard to all the evidence and representations submitted. Specifically, the reason for refusal is clear and, as outlined in the consultation from Devon County Council Development Management Highways, relates to the provision of parking on site which, it was maintained, would result in the loss of parking for existing commercial uses at the site thereby encouraging short term parking on highway to the detriment of all users of the road.
8. In respect of whether the Council persisted in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable, the main parties have referred me to recent appeals concerning the site and which are described within the appeal decision.
9. Whilst it will be seen from the appeal decision that the respective developments were similar, they differed in the arrangements for parking provision. Consistent with the Inspector in those recent appeals, I have found that one off highway parking space for each of the proposed flats would be appropriate. However, the recent appeals only considered the impact of providing off site parking, and consequently did not consider the potential impact on highway safety that could arise from loss of existing spaces to serve commercial enterprises at this location, in the event that parking for future residents was provided on site.
10. It therefore does not necessarily follow that the Inspector in those recent appeals indicated that a proposal where on site parking was to be provided would be acceptable, but rather considered the proposed provision of off site parking which, for the reasons given in those appeals, was found to not provide sufficient spaces for future residents. Consequently, I do not consider that the Council have acted unreasonably with regards to vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis or in respect of persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.
11. For the reasons above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

A Spencer-Peet

INSPECTOR