



Costs Decision

Site visit made on 17 November 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2022

**Costs application in relation to Appeal Ref: APP/Y1110/W/21/3280305
Land adjacent to 64 Danes Road termed 65 Danes Road DN711486, Exeter
EX4 4LS**

- 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 Jonathan Johns for a full award of costs against Exeter City Council.
- The appeal was against the refusal of planning permission for *'The construction of 3 bedroom house on land adjacent to 64 Danes road termed 65 danes road for the purposes of this application, in a style consistent with the existing terrace'*.

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. The applicant asserts the Council acted unreasonably as it failed to adequately co-operate or to work pro-actively with the applicant and failed to follow through with its pre-application advice.
3. I can understand the applicant's frustration in the absence of response from the Council before the first deadline for determining the planning application lapsed. I also see how this would have been compounded by the Council going on to divert from its positive pre-application advice. This previous advice led to costs generated in submitting the planning application, which the applicant states would have not taken place had the advice from the Council been different.
4. However, even if that is the case, those costs do not relate to the appeal itself. The Council has explained its reasons for refusing permission in the officer report and in correspondence with the applicant preceding its decision. Whilst the applicant is fair to consider the Council's email of 8 January 2020 as an unexpected ultimatum, it is evident that discussion did actually take place after that email and before permission was refused. The applicant undertook their right to appeal, and there is no clear evidence that, had additional dialogue occurred before permission was refused, the appeal could have been avoided.
5. 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