
Costs Decision

Site visit made on 20 June 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 July 2022

Costs application in relation to Appeal Ref: APP/Y1110/D/22/3296801 18 Friars Walk, Exeter EX2 4AY

- 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 Matt Ireland for a full award of costs against Exeter City Council.
 - The appeal was against the refusal of the Council to grant planning permission for extension to existing bungalow to create first floor accommodation.
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Decision

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

Reasons

2. The Planning Practice Guidance 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 appellant considers that the Council behaved unreasonably in its pre-application/peer review advice. The Council determined the application through its Delegation Briefing procedure. Following advice from a local Councillor the appellant sought to get the application put back to the Delegation Briefing Meeting so that it could be referred to the meeting of the full Planning Committee for determination. The appellant was advised that the scheme of delegation did not permit an application to be taken back to the Delegation Briefing. The appellant contends that 'massive delays' were incurred before determination of the application, and back-tracking on the initial advice.
4. However, the Planning Practice Guidance advises that costs cannot be claimed for the period during the determination of an application, and as the appellant's claim for an award of expenses covers that period, and prior to the appeal, it must fail.
5. I now turn to whether unreasonable behaviour has directly caused the appellant to incur unnecessary expense in the appeal process. The appellant considers that the decision to refuse the application was made without him being able to make representations to the local Councillors and that the 7 members of the public who wrote in support of the application were ignored. The appellant believes that had the application been considered by the full Planning Committee it may have resulted in a different decision meaning that

the appellant would not have needed to go to the expense of submitting an appeal.

6. There is no evidence before me that the Council behaved unreasonably in relation to the appeal itself and the appellant's claim for an award of expenses is based upon the period in which the application was determined and not in relation to any details of the appeal proceedings.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Martin H Seddon

INSPECTOR