

Costs Decision

Site visit made on 8 August 2022

by Martin Andrews BSc(Econ) MA(Planning) DipTP & DipTP(Dist) MRTPI

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

Decision date: 15 September 2022

**Costs application in relation to Appeal Ref: APP/X1165/D/22/3298687
Winborn Cottage, 58 Roundham Road, Paignton TQ4 6DS**

- 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 Robbie Winborn for a full award of costs against Torbay Council.
 - The appeal was made against the refusal of planning permission for a single storey extension, reworks to interior layout & associated landscaping.
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Decision

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

Reasons

2. The Planning Practice Guidance first published by the Government in March 2014 and subsequently updated online explains that costs will normally be awarded when unreasonable behaviour has caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant's claim for the Council's alleged unreasonable behaviour is that the Council declined to request or receive further information that would enable the applicant to demonstrate the acceptability of the application. In effect the Council unilaterally ceased the negotiation process which necessitated him having to instead spend time and money on the appeal.
4. However, it is by no means uncommon for a Local Planning Authority to decide in the initial stages of processing a planning application that, having regard to the form of the proposal together with the prevailing circumstances and planning policies, it would be clearly unacceptable.
5. This appears to be the case here with the Council considering that the removal of existing features of this traditional and 'key' building and their replacement by a more contemporary addition, including a balcony, would be inappropriate in terms of the character and appearance of the building itself and its setting. Accordingly, no purpose would be served by the submission of amendments.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the planning guidance, has not been demonstrated.
7. The application for an award of costs is therefore refused.

Martin Andrews

INSPECTOR
