



Costs Decision

by Debbie Moore BSc (HONS), MCD, PGDip, MRTPI, IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

**Costs application in relation to Appeal Ref: APP/Y1110/X/22/3299304
2A Blackboy Road, Exeter EX4 6SG**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Theobald Power for a full award of costs against Exeter City Council.
 - The appeal was against the refusal of a certificate of lawful use or development for "C4 Small House in Multiple Occupation".
-

Decision

1. The application for an award of 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.
3. It is claimed that the Council dismissed evidence in support of the application without proper justification, which amounted to unreasonable behaviour. A full award of costs is sought as it is considered that the appeal should not have been necessary. It is argued that the Statutory Declaration should have been afforded due weight.
4. I do not doubt that the Statutory Declaration was based on first-hand knowledge but as explained in my decision, the information it contains is limited in terms of detail. I afforded the sworn evidence significant weight but, nonetheless, due to the lack of important information such as dates and occupancy, it needs to be corroborated. The email correspondence is similarly lacking in detail. The Council reached a similar conclusion.
5. The question of whether the established use rights had been acquired prior to a period of dormancy was not specifically addressed by the Council but it would have been unlikely to have affected their decision given the concerns about corroborating evidence. The Council may not have explained its reasons fully but, ultimately, the weight attached to particular evidence is a matter for the decision maker. The Council's concerns were not illogical or without foundation.

Conclusion

6. I, therefore, find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Debbie Moore Inspector