



Costs Decision

Site visit made on 5 October 2022

by Matthew Jones BA(Hons) MA MRTPI

An Inspector Appointed by the Secretary of State

Decision date: 02 November 2022

Costs application in relation to Appeal Ref: APP/Y1110/W/22/3298522 30 Victoria Road, Topsham EX3 0EU

- 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 and Mrs Pearson for a full award of costs against Exeter City Council.
 - The appeal was against the refusal of planning permission for demolition of two storey extension, single storey lean-to additions, construction of replacement part two, part single storey extension & renovation of basement.
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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. Both of these circumstances must be demonstrably present.
3. The applicants are of the opinion that the appeal could have been avoided had the Council not given misleading pre-application advice, had the Council allowed the applicants' representative to have attended the site visit with the Council, had they been able to engage with the Council's Conservation Officer direct and had the Council discussed its concerns before issuing the decision.
4. These concerns all go to the procedural conduct of the Council before the appeal process. Whilst I can recognise the applicants' frustrations in this regard, the Council did not concede its position at the appeal and its case is set out in adequate depth within the officer report. I cannot be drawn on hypotheticals, and there is no clear or substantive evidence that if the application had been handed differently the appeal would have been avoided.
5. Consequently, on the evidence before me, the Council's conduct does not constitute unreasonable behaviour that has resulted in unnecessary or wasted expense in the appeal process, as described in the PPG. An award of costs is therefore not justified.

Matthew Jones

INSPECTOR