



Costs Decision

Site visit made on 18 October 2022

by C. Rose BA(Hons), BTP, MRTPI

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

Decision date: 24 November 2022

Costs application in relation to Appeal Ref: APP/Y1138/W/22/3298547 Cross Hotel, Road From Bassets Bridge To Coppleshall Cross, Coppleshall EX17 5NH

- 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 Mrs Olivia Ambrose for a full award of costs against Mid Devon District Council.
 - The appeal was against the refusal of planning permission to convert outbuildings to the rear of The Cross Inn, to create 3 residential units for affordable rent by local people. Public house to be retained and refurbished. Existing car park to provide outside amenity to each house and car parking spaces for the pub and residential dwellings. New small enclosed pub garden to be created.
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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. The applicant considers that the Council acted unreasonably by misunderstanding the proposal and what requires planning permission, failing to produce evidence to substantiate and make a coherent case, failing to review the case and cooperate with the applicant.
3. From the evidence before me, the effect of the proposal on the community use and upon living conditions of future occupiers was of great concern to a number of interested parties including the Parish Council and local residents. Specifically, the concerns raised focused on the acceptability of a smaller public house, the impact on the viability of the remaining public house as a result of the proposal, on the living conditions of future occupiers and the impact upon them from the operation of the public house.
4. Matters concerning the effect of the proposal on the future of the community facility and living conditions were detailed in the Council's officer report and statement of case and referenced against relevant development plan policies. Although I have found in the applicant's favour in my main Decision, it was not unreasonable for the Council to reach a different view on these matters. As such I do not find that the Council misunderstood the proposal, what requires planning permission or failed to produce evidence to support their decision to an extent that the applicant incurred unnecessary expense in pursuing the

appeal. The appeal provided an opportunity for the applicant to test the position and explain her case. In my view the Council provided reasons for its concerns which justified its position.

5. With regard to the applicant's concerns regarding the Council failing to review the case or cooperate, the evidence before me indicates that the Council engaged with her on a number of occasions. A failure to reassess the decision following the submission of the appeal is not unreasonable behaviour on the Council's part.
6. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
7. The application for an award of costs is dismissed.

C Rose

INSPECTOR