



Costs Decision

by P N Jarratt BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2023

Costs application in relation to Appeal Ref: APP/F9498/X/22/3299260

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Gill Hicks and Ms Elizabeth Hicks for a full award of costs against the Exmoor National Park Authority.
 - The appeal was against the refusal of a certificate of lawful use or development for the stationing of a mobile home within a residential garden to provide ancillary 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 the party who has behaved unreasonably and therefore caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellants are critical of the time taken by the Authority in determining their application which exceeded target dates. The Authority were suffering from a backlog of applications and the appellants were notified of the reasons for this. However I note that the appellants did not exercise their right to appeal against non-determination of the application, which would have been an option open to them.
4. The fact that the Authority failed to submit an appeal statement but relied on their officer report to set out their case is a matter for the Authority and does not represent unreasonable behaviour.
5. The Authority refer to an objection to the LDC application by a local resident who instructed a lawyer to argue that planning permission was necessary although it does not follow that this should make any difference to how the Authority should determine the application unless there are sound reasons for doing so. There is no evidence that the Authority has misguided itself as a consequence of the objection.
6. The appellants consider that the Authority failed to respond with any evidence and neglected to consider the appellants' evidence objectively, which had they done so, they would have had understood that the mobile home would be ancillary to the host dwelling.
7. Reliance is placed in the officer's report on extensive quotes in the withdrawn Circular 10/97 relating to the identification of what may or may not be regarded as a dwellinghouse and conclude that the proposed mobile home is not ancillary to the host dwelling.

8. Notwithstanding reference to withdrawn advice the Authority have set out their reasons for concluding that the mobile home would seem physically and functionally separate from the main dwelling. There is no indication that this was a view reached without objectivity.
9. It is not unreasonable behaviour for the Authority to exercise its judgement where its conclusions are different to the appellants, so long as they have sound reasons for reaching those conclusions based on the facts, relevant caselaw and judicial authority.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

P N Jarratt

INSPECTOR