



Costs Decision

Site visit made on 20 February 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 23 March 2023

Costs application in relation to Appeal Ref: APP/P1133/D/22/3308313 4 Riverside, Shaldon TQ14 0DJ

- 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 Penlee Development Ltd (Bernard Howard) for a full award of costs against Teignbridge District Council.
 - The appeal was against the refusal of planning permission for provision of fire exist to comply with fire safety: Approved Document B
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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 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. The Applicant has raised concerns over the time taken to determine the application, regarding which the Council has acknowledged that the timescales to determine the application were longer than it would have wished, due to staffing issues. Whilst I appreciate the frustration for the Applicant there is no evidence to suggest that a more timely decision would have resulted in a different outcome. I also understand the Applicant's preference to try and discuss the application with the Council to find a solution, but the Council made its position quite clear and indeed at appeal there is no new evidence from the Appellant before me to enable me to reach a different decision to the one reached by the Council. If there were a solution that the Appellant considered could have been reached to address the reasons for refusal, I would have expected that to have been presented to me at appeal.
4. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

L J Evans

INSPECTOR