



Costs Decision

Site visit made on 21 March 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Costs application in relation to Appeal Ref: APP/P1133/D/23/3316245 Poachers Croft, Hiller Lane, Netherton, Devon, TQ12 4RP

- 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 Jackson for a full award of costs against Teignbridge District Council.
 - The appeal was against the refusal of planning permission for development described as *'Single storey Kitchen/Dining & Living Extension to rear, loft conversion with new pitched roof to replace existing'*.
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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. It goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the procedural handling of the case or with respect to the substance of the matter under appeal.
 3. The applicant's claim is that the Council failed to have proper regard to the revisions made to the proposal following the refusal of an earlier application (Ref 20/02058/HOU) and an appeal (Ref APP/P1133/D/21/3281839) which was dismissed. Further, that they did not relay to the applicant any concerns about the proposal which would have enabled them to have been addressed during consideration of the application. They also argue that the Council behaved unreasonably by failing to consult their Landscape Officer, who had supported elements of the first proposal.
 4. When dealing with decision making, the National Planning Policy Framework encourages pre-application engagement and front-loading of planning applications to resolve as many issues as possible at the pre-application stage and to assist local planning authorities with issuing timely decisions. It goes on to say that decisions on applications should be made as quickly as possible. The requirement for local planning authorities to work proactively with applicants does not, in my view, automatically equate to a requirement for them to negotiate revisions to a planning application once submitted.
 5. There is no statutory requirement for the Council to consult internally with their Landscape Officer. Neither can the Council be reasonably criticised for not
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consulting when there was nobody in post at the time the application was considered. The former Landscape Officer's comments regarding the issue of a raised apex to the building merely reflected an opinion that was not fundamental in the Council's overall assessment of the appeal proposal.

6. As is often the case, the Council's decision, and ultimately the appeal decision turned on matters of judgement. The Council determined differently to me on certain detailed elements of the scheme and in relation to the effect of the proposal upon the setting of the nearby listed building, but I do not find their concerns on these aspects to be unwarranted. Their decision was soundly based on proper planning principles and was properly supported by relevant policies of the development plan. Moreover, following my own conclusions based upon the planning merits of the case, their decision did not lead to an appeal that could necessarily have been avoided.
7. I therefore find that unreasonable behaviour, resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, either in terms of the Council's procedural handling of the case, or with respect to consideration of the substantive issues, has not been demonstrated.

John D Allan

INSPECTOR