



Costs Decision

Site visit made on 5 April 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2023

Costs application in relation to Appeal Ref: APP/X1165/D/23/3316740 58 Roundham Road, Paignton, TQ4 6DS

- 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 R Winborn for a full award of costs against Torbay Council.
 - The appeal was against the refusal of planning permission for a single storey extension, reworks to interior layout and associated landscaping.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance (PPG) advises that irrespective of the outcome of the 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.
3. The Appellant's application for costs raises a substantive point. The PPG states that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal.
4. The Appellant disagrees with the local planning authority's decision to refuse planning permission as they consider that the appeal proposal would not result in any unacceptable harm to the host property or to the Conservation Area. As such, the Appellant contends that the local planning authority prevented development which should have been permitted.
5. Whilst I have found the appeal proposal to be acceptable in relation to its impact on the host property and Conservation Area, that finding was based on the evidence presented by the local planning authority in its delegated report, the policies of the development plan and National Planning Policy Framework, and my own observations on site.
6. The local planning authority's evidence comprised of its reason for refusal, its delegated report and relevant policy documents. These provided, in my view, a precise explanation of the local planning authority's objection to the appeal scheme. The evidence submitted by the local planning authority in this respect was consistent with the guidance on Householder Appeals set out in the Procedural Guide – Planning Appeals – England (December 2022). Paragraphs C.7.2 – 7.3 to Annex C of this Procedural Guide state that a local planning authority's case should comprise its reasons for refusal, its report and any

documents that accompany its Questionnaire. I am entirely satisfied that the information submitted by the local planning authority enabled me to fully understand their objection to the appeal.

7. In relation to the impact of the proposal on the Conservation Area, whilst this requires an assessment of the special interests of the area and whether the proposal would preserve or enhance its character or appearance, it is also, in part, a subjective issue and involves matters of judgement, on which opinions will differ. It is also a matter for the decision-maker to decide what weight should be accorded to individual considerations and other relevant factors. In this particular case, one of those considerations was the 2022 Appeal decision and whether the amended appeal proposal had addressed the concerns that led the Inspector to dismiss that appeal. The local planning authorities case was that the amended scheme was still unacceptable and whilst I did not agree with that finding their reasoning for reaching that view was properly explained in their evidence.
8. I cannot agree, therefore, that the local planning authority has acted unreasonably in this case.
9. For the above reasons, I find that the appellant was not put to unnecessary or wasted expense in the appeal.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is therefore not justified.

G Roberts

INSPECTOR