



Costs Decision

Site visit made on 28 March 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 28 April 2023

Costs application in relation to Appeal Ref: APP/W1145/W/22/3297230 Land south of Fairfield, Ashwater, Beaworthy, EX21 5EQ

- 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 Graeme Barriball of Roundchase Ltd for a full award of costs against Torridge District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period of a decision on an application for approval of details required by a condition of a planning permission.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 submits that the Council failed to work proactively and delayed development that should have clearly been permitted. The applicant suggests that they promptly resolved all consultation responses through design revisions or the provision of further information. However, it would appear that the Council requested a response on the matter raised by the Lead Local Flood Authority on more than one occasion and no response was received, even though the applicant advised the Council that it was considering the matter with its drainage engineers. On this basis I am satisfied that the Council appeared to work proactively to resolve this last remaining issue so that it could be in a position where it could recommend approval.
4. The applicant also submits that the Council did not apply policy in a consistent manner regarding a matter that it suggests could be dealt with by a condition. This is with reference to a decision that the Council made for a proposal at Beaford¹, which I considered in my appeal decision. I found that this case differed from the appeal proposal on a fundamental issue relevant to ground water matters. It is therefore the case that the Council reasonably reached a different conclusion on the two proposals and did not demonstrate inconsistent decision making.

¹ Council Ref: 1/0407/2019/FULM

5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Tucker

INSPECTOR