



Costs Decision

Site visit made on 23 May 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Costs application in relation to Appeal Ref: APP/Y1110/W/22/3311068 52A Church Road, St. Thomas, Exeter, Devon EX2 9BQ

- 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 OTP Building Services Ltd (Mr Jon Whiley) for a full award of costs against Exeter City Council.
 - The appeal was against the refusal of planning permission for the change of use of a redundant commercial tea room in urgent need of environmental improvements to a residential dwelling. The proposals include the reconfiguration of the property into a low energy 3 bedroom residential dwelling with external courtyard amenity space, bicycle store, bin store and access from Church Road.
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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 (PPG) 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. In this instance, the applicant has set out that the Council has caused unnecessary delay to the planning appeal by being slow in providing documentation and also causing the site visit to be put back by several weeks. The applicant alleges that this has resulted in additional cost for several reasons and I have considered these below.
4. It is unfortunate that the site visit was delayed. I note that, as a result of the delay, the applicant's agent would have been retained for a longer period than initially envisaged, but the delay should not have resulted in significant extra work for the agent. While it may be the case that the applicant has chased the Council to submit documentation to the appeal, it is unlikely that doing so would have taken too much time or expense. In addition, the costs associated with facilitating the site visit would have been the same had it taken place several weeks earlier. It is also difficult to envisage that the applicant would have incurred extra expense in terms of maintaining the existing building given its relatively derelict appearance. Finally, it is of course the applicant's choice to apply for costs, and so extra expense in that regard was not inevitable.

5. Therefore, taking into account the above, I have no substantive evidence before me to confirm that there has been unreasonable behaviour that has resulted in unnecessary or wasted expense. Therefore, an award of costs is not warranted.

C Butcher

INSPECTOR