



Costs Decision

Site visit made on 17 August 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2023

Costs application in relation to Appeal Ref: APP/X1165/W/23/3316793 20 Gibson Drive, Torbay, Paignton TQ4 7AL

- 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 Sam Thomas for a full award of costs against Torbay Council.
 - The appeal was against the refusal of the Council to grant planning permission for erection of new self build 2 storey semi-detached dwelling.
-

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 states that the costs decision is submitted on the grounds that the Council acted unreasonably by not providing comments/concerns about the development prior to issuing their decision. However, the Council's evidence demonstrates ongoing discussions between the planning officer and the applicant's agent were held. Here, the planning officer clearly set out their concerns in respect of the effect of the development on the character and appearance of the area, including the nearby footpath.
4. In assessing the proposal, the Council's officer report clearly set out an accurate, proportionally detailed and objective analysis as to why the development would harm the character and appearance of the area. That involves an element of planning judgement, based on the circumstances of the site.
5. The applicant also references a lack of consultation with the Council's landscape officer, the effects on listed buildings and Policy ENV5. The Council's Green Infrastructure Manager provided comments on trees and landscaping which the Council took into account. There is however, no evidence that the matters of the listed building or the policy are of any relevance to the development.
6. I therefore do not find that the Council has shown unreasonable behaviour resulting in unnecessary or wasted expense and a full award of costs is not, therefore, warranted.

J Hills
INSPECTOR