



Costs Decision

Site visit made on 25 July 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 October 2023

**Costs application in relation to Appeal Ref: APP/X1118/W/23/3315960
Higher Mullacott, Road From St Brannocks Road To Mullacott Cross
Roundabout, Ilfracombe EX34 8NA**

- 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 Greenwell for a full award of costs against North Devon District Council.
 - The appeal was against the refusal of planning permission for the erection of a holiday unit, improved access and resurfacing of area to create additional parking.
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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. In this instance, the applicant has argued that the Council has prevented or delayed development which accords with the development plan. Furthermore, the applicant also suggests that, in focusing on whether the proposed building would be subservient or incidental in appearance to the existing buildings, that the wrong policy test has been applied, and that the reasons for refusal are vague.
3. However, the relevant policies in the local plan require new development to preserve the character and appearance of the surrounding landscape. The existing built form is part of that landscape, and it is therefore quite reasonable for the Council to have assessed the way in which the proposed building would relate to existing development in order to determine whether harm would be caused to landscape character. Indeed, I have set out why harm would be caused in this regard. The Council has therefore correctly assessed the proposal against the relevant policies and provided clear reasons for refusal. Furthermore, the Council produced a report and statement of case which, whilst not fulsome, do nevertheless make clear the reasoning behind the Council's assessment of the visual effect of the proposal. As a result, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Butcher

INSPECTOR