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## Costs Decision

Site visit made on 5 September 2023

**by C Rose BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 October 2023**

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### **Costs application in relation to Appeal Ref: APP/N1160/W/23/3314988 3-8 Connaught Lane, Plymouth PL4 7BZ**

- 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 B Lynch, Lynchpin Refurbishment Ltd for a full award of costs against Plymouth City Council.
  - The appeal was against the refusal of planning permission for demolition of buildings and construction of terrace containing 7no dwellings.
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### **Decision**

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

### **Reasons**

2. 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. The applicant is applying for a full award of costs. The applicant considers that the Council acted unreasonably by refusing planning permission following the submission of further information to address the highway concerns raised by the Council, and by judging the scheme differently to others without providing clear justification for its decision.
4. In response, the Council state that the decision follows a pre-application submission where the Council advised that they were unable to support the proposal, and that despite the submission of further information, this did not address its concerns with the reasons for this provided within the officer report and decision notice.
5. In response to this, the applicant claims that the Council never acknowledged the impartial data submitted in support of the application. In addition, the applicant states that the Council's appeal statement raises points, regarding bin sizes and EV charging points, that had not previously been presented.
6. The Council's officer report and statement of case provides commentary with regard to the pre-application submission and further evidence submitted by the applicant. They provide evidence in relation to the reason for refusal referencing local and national planning policies.
7. Although I have found in the applicant's favour in relation to the appeal, it was not unreasonable for the Council to reach a different view. The Council's case is

clear, detailed and supported by evidence and references relevant local and national planning policies and guidance. The Council have a duty to consider the proposal on its merits and in light of the evidence submitted by the Council detailing their concerns with the proposal, I do not agree that the Council failed to consider the applicant's evidence or judged the scheme differently to others without providing clear justification.

8. The appeal provided an opportunity for the applicant to test the position and explain its case. In my view the Council provided reasons for its concerns which justified its position. The applicant proposed bin storage and EV charging points within the garage and in light of this and the Council's concerns regarding the size of the garage and access to it, they were entitled to expand upon these matters as part of their appeal evidence. The applicant had an opportunity during the appeal to address these points. It was not therefore unreasonable for the Council to raise these matters or to reach a different view and determine that the proposal would cause harm.
9. In light of the above, I do not find that the Council acted unreasonably and made an informed assessment of the proposal adequately justifying their concerns.
10. Accordingly, I find that unreasonable behaviour in procedural or substantive terms resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
11. The application for an award of costs must therefore fail.

*C Rose*

INSPECTOR