

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: 01 November 2023

Costs application in relation to Appeal Ref: APP/N1160/W/23/3318761 21 Mutley Road, Plymouth PL3 4SB

- 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 N Bishop for a full award of costs against Plymouth City Council.
 - The appeal was against the refusal of planning permission for technical details pursuant to permission in principle (19/01646/PIP) for 4no. terraced dwellings and associated works.
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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 failing to produce evidence to substantiate each of the reasons for refusal and that the decision has prevented or delayed development that is in accordance with the development plan, national policy and other material considerations.
4. In response, the Council states that it carefully considered and determined the application providing evidence and reference to local and national policies to support the decision. They further state that it gave weight to the material considerations as it saw fit and that there is no duty on Council Committee Members to follow the recommendation of Planning Officers or consultees.
5. In response to this, the applicant reiterates that the Council has not provided evidence or justification to properly explain why it reached its decision and that the Committee followed its own opinions and those of local residents which does not represent 'objective analysis'. The applicant re-iterates that they have constantly followed professional officers' advice.
6. The Council's statement of case details the site history and provides commentary and evidence in relation to each of the reasons 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. There is no

requirement for a committee to follow officer pre-application advice or recommendations and they reached a clear decision taking into account the evidence presented by local residents, supported by sufficient evidence, considering planning matters and referencing planning policies. As a result, I do not agree that the Council failed to produce adequate evidence to substantiate its reasons for refusal.

8. The appeal provided an opportunity for the applicant to test the position and explain its case. In my view the Council provided adequate reasons for its concerns. It was not unreasonable for the Council to reach a different view and determine that the proposal would cause harm by reason of each of the reasons for refusal. As a result, the Council did not act unreasonably or unreasonably prevent or delay development.
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