



Costs Decision

Site visit made on 24 October 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2023.

Costs application in relation to Appeal Refs: APP/W1145/W/23/3322238 and APP/W1145/W/23/3323417

Land at grid reference 243189 129178, Golf Links Road Westward Ho! Devon, Westward Ho!, Devon, EX39 1GW

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. The PPG says that awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal. It adds that costs that are unrelated to the appeal or other proceeding are ineligible. Awards cannot extend to compensation for indirect losses, such as those which may result from alleged delay in obtaining planning permission.
4. The applicant claims that the Council did not properly consider or discuss evidence relating to whether a previous planning permission for a hotel was extant, or that there was no material change in policy since its approval. However, within the Officer reports and statements for both appeals, the Council clearly set out a proportionally detailed and objective analysis as to why they considered commencement should be considered via a certificate of lawfulness. Furthermore, although an historic policy contained the same wording as a new policy, the Council acted in a reasonable manner by identifying and explaining the conflict they found with all policies of relevance to these schemes.
5. I note the applicant's comments in respect of financial costs incurred in respect of a delayed joint venture, the costs of a lawful certificate application, design review panel and other professional fees. However, as set out above, these are not directly related to these appeals and additionally, compensation cannot be applied from any delay in obtaining planning permission.

6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Hills

INSPECTOR