
Costs Decision

Site visit made on 9 May 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 30.05.2024

Costs application in relation to Appeal Ref: APP/P1133/D/24/3339775 Bow Barn, Bow Cross, Broadhempston, Totnes TQ9 6AT

- 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 Jack Gordon for a full award of costs against Teignbridge District Council.
 - The appeal was against the refusal of planning permission for extension.
-

Decision

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

Reasons

2. 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. In seeking a cost award to cover professional fees associated with the appeal, it would appear that this is an application for a full award of costs. The case is made on three main grounds which I shall consider in turn.
4. The Applicant considers that the references to the existing building resulting from a Class Q prior approval are irrelevant to the proposed extension. The references to Class Q origins are factually correct and set out the background to the approval for the current building. I have also used the term as it correctly refers to the method of approval for the existing building. There is no suggestion that an extension cannot, as a result, be applied for. Although the use of the term 'fallback' by the Council is not particularly helpful, the first sentence of the Council's reason for refusal is clear that the proposal relates to an addition to a previously consented barn.
5. As the Applicant recognises, each proposal must be judged on its individual merits. I have taken into account the other decisions that the Applicant has referred to in so far as the information has been made available to me. However, there is nothing before me to suggest that the Council has been inconsistent in its decision making. The fact that the Council has allowed extensions elsewhere does not, on its own, indicate inconsistent decision making.
6. The Applicant has promoted a number of benefits from the scheme. These have not been explicitly referenced in the Officer's report, although I note that under the section titled Conclusion, the Officer comes to the view that *the proposal*

does not offer any betterment compared to the Class Q approval. There is nothing before me to suggest that the Council would have reached a different conclusion to the one it made, and that an appeal would not therefore have been required. I have addressed the benefits promoted but have not found them to override the harm I have concluded.

7. I have had regard to all the matters raised but I am not persuaded that the Council has behaved unreasonably at any stage and thereby caused the Applicant to incur unnecessary or wasted expense in the appeal process.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

L J Evans

INSPECTOR