



Costs Decision

Site visit made on 20 February 2024

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 June 2024

Costs application in relation to Appeal Ref: APP/Y1110/W/23/3322198 Newbery Car Breakers, Redhills, Exeter, Devon EX4 1SS

- 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 Hill for a full award of costs against Exeter City Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for six detached residential dwellings and associated access and infrastructure.
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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.
3. The applicant's case is that the Council did not follow their Scheme of Delegation and referred the planning application to the Planning Committee when it should have been determined under delegated powers. They contend that if it had been determined without referral to the Committee, then it would have been approved.
4. In general terms, the Council's actions at the time of the application are matters for local government accountability. It is where those actions have a direct bearing on the appeal that may be relevant to the award of costs.
5. The Council's Scheme of Delegation includes a provision for a Member of the Planning Committee or Ward Members to request that an application is considered at the Council's Delegation Briefing for potential determination by the Planning Committee. The Council explain that this request need not be in writing, and I have no evidence before me to come to a different conclusion.
6. The Council confirm that a Member who is both a Ward Member and a Member of the Planning Committee made a request for the application to be considered at the Delegation Briefing and at one of those meetings, it was considered that due to local concerns, the application should be determined by the Planning Committee.
7. While this matter could have been clarified by requesting written confirmation from the Ward Member, I cannot see that the Council have acted unreasonably in respect of referring the planning application to the Planning Committee for determination. Furthermore, as I have found in favour of the Council in the

appeal decision, the refusal of the application did not prevent or delay development which should reasonably have been permitted.

8. It follows that I do not find unreasonable behaviour on the part of the Council, or unnecessary or wasted expense, as described in the PPG, has been demonstrated. Therefore, a full award of costs is not justified.

K Reeves

INSPECTOR