



Costs Decision

Site visit made on 12 March 2024

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Costs application in relation to Appeal Ref: APP/K1128/W/23/3325981 Atlantic Lodge, Inner Hope to Outer Hope, Hope Cove, Devon TQ7 3HH

- 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 James Holt for a full award of costs against South Hams District Council.
 - The appeal was against the refusal of planning permission for demolition and replacement of existing dwelling and garage.
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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 contends that the second reason for refusal is not reasonable as they had submitted additional information to the Council in the form of revised plans, which were not accepted by the Council. I note that the revised plans were sent to the Council by email the day before the Council formally refused the planning application.
4. The Planning Practice Guidance (PPG) makes clear that it is at the discretion of the Council whether to accept proposed changes to a 'live' application, to determine if the changes need to be reconsulted upon, or if the proposed changes are so significant as to materially alter the proposal such that a new application should be submitted.
5. Whilst it would have been helpful of the Council to acknowledge the submission of the revised plans and preferably explain why the plans were not being accepted, the Council do not have an obligation to accept the plans. As such, the Council has not acted unreasonably by determining the application using the plans originally submitted to them and including the insufficient information in the second reason for refusal.
6. I acknowledge that the National Planning Policy Framework (NPPF) and the PPG seeks for Councils to approach the determination of planning applications in a proactive manner. However, the NPPF and PPG also seek positive engagement with the pre-application process in order to improve the efficiency and effectiveness of the planning system. I understand that the applicant did not engage with the pre-application process, and this would have been the appropriate time to discuss the potential changes to the scheme needed to

make it acceptable to the Council, rather than during the determination of the 'live' application.

7. The applicant also contends that the Council has not carried out a proper assessment of the potential impact of the proposed development, failed to give due consideration to the examples of other development provided by the applicant, including on a nearby site, and not given proper regard to the potential permitted development rights for glazing raised by the applicant.
8. In these respects, the officers have made a professional judgement that happens to conflict with the opinion of the applicant. Although I have disagreed with the Council's decision, they have been able to provide evidence to demonstrate why they consider the proposal to conflict with the development plan. As part of their case, I am satisfied that they have sufficiently considered the examples of development provided by the appellant. They have also provided a cogent argument as to why they consider the potential permitted development rights to not be determinative as part of the proposal.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Reeves

INSPECTOR