



Costs Decisions

Site visit made on 16 July 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 July 2024

Costs application in relation to Appeal A Ref: APP/P1133/Y/23/3324650 15 Powderham Terrace, Teignmouth TQ14 8BL

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by B Jones for a full award of costs against Teignbridge District Council.
 - The appeal was against the refusal of listed building consent for internal alterations to refurbish and remodel the existing hotel into an apart hotel comprising of 8 apartments.
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Costs application in relation to Appeal B Ref: APP/P1133/Y/23/3325797 15 Powderham Terrace, Teignmouth TQ14 8BL

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by B Jones for a full award of costs against Teignbridge District 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 listed building consent for internal alterations to refurbish and remodel the existing hotel into an apart hotel comprising of 7 apartments.
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Costs application in relation to Appeal C Ref: APP/P1133/Y/24/3337654 15 Powderham Terrace, Teignmouth TQ14 8BL

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by B Jones for a full award of costs against Teignbridge District 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 listed building consent for internal alterations to refurbish and remodel the existing hotel into an apart hotel comprising of 7 apartments.
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Decisions

1. The applications are 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. All three applications are made on the same grounds and relate to the time before the appeals were lodged. The PPG states that costs can only be awarded

in relation to unnecessary or wasted expense at the appeal stage, although behaviour and action at the time of the application can be taken into account.

4. The applicant submits that the Council failed to determine the applications on time, communicate, or request an extension of time. There were some delays due to staffing pressure and a developing backlog, which the Council accepts and seeks to address. However, evidence before me relates to site meetings that took place, and email communication back and forth, where the Council provided clear and consistent guidance in terms of a way forward - despite being faced with multiple listed building consent submissions from the applicant for almost the same proposal - and has sought to agree extensions of time.
5. Evidence before me points to the Council's frustration at being unable to process the applications fully; where appeals have been lodged while consultation is still underway, or immediately following a site visit where it may have been possible to address the matters raised in a more timely and constructive manner.
6. The Council has given consistent feedback throughout in terms of additional information required, the need for clearer plans, and the suggestion of input from a conservation specialist as well as engagement in the pre-application process. It has thus demonstrated the need for alterations to irreplaceable heritage assets to be carefully managed, which is a matter of considerable public interest and contrary to the applicant's position that it has had scant regard for the good of the wider public or current condition of the building.
7. In summary, the evidence before me is insufficient to demonstrate that the Council has behaved unreasonably. Therefore, the applications should be refused.

A Tucker

INSPECTOR