



Costs Decision

Site visit made on 13 December 2024

by H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Costs application in relation to Appeal Ref: APP/N1160/W/24/3350873

The Grenville Hotel, 82-84 Grenville Road, Plymouth PL4 9PZ

- 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 A Cotterell for a full award of costs against Plymouth City Council.
 - The appeal was against the refusal of planning permission for the development proposed is Change of use from Public House (Sui Generis) to residential apartments (Use Class C3).
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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 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. Costs can only be awarded in relation to unnecessary or wasted expense at the appeal, but behaviour and actions at the time of the planning application can be considered.
3. The appellant's case is that the Council failed to take into account relevant material submitted before the issuing of the decision notice. The Council indicated that it has previously accepted additional submissions and was not in a position to leave the process open-ended and continually readvertise on additional material, particularly in respect of an Asset of Community Value application process which is separate to the planning application.
4. It is clear that the appeal application was insufficiently justified in the original submission, and it has taken three attempts to provide sufficient evidence to demonstrate compliance with the development plan. I do not consider that the Council was wrong to set timescales on the determination of the application or decline to take into account additional late submissions. To do so would undermine the efficiency, transparency and confidence in the system that is expected by participants in the process. That I have found in favour of the applicant does not indicate that the appeal was unnecessary or that the Council behaved unreasonably. It does point to the fact that all of the necessary evidence has been able to be submitted to me as part of the appeal to be able to comprehensively conclude on the proposal.
5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Nicholls

INSPECTOR