

Costs Decision

Site visit made on 20 January 2025

by Martin Andrews BSc(Econ) MA(Planning) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 February 2025

Costs application for Appeal Ref: APP/P1133/W/24/3354813

Holly Court, Thorn Cross, Bovey Tracey, Devon TQ13 9DW

- 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 Ms, Ms and Mr C, J and A Livingston for a full award of costs against Teignbridge District Council.
 - The appeal was made against a decision to refuse permission for the erection of 1 No dwelling house.
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Decision

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

Reasons

2. The Government's Planning Practice Guidance 2014 explains that costs will normally be awarded when unreasonable behaviour has caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application is made on both substantive and procedural grounds, with the former relating to the planning merits and the latter to the handling of the planning application.
4. Turning firstly to procedural considerations, I agree that that the application was poorly handled with a lack of communication and long delays. The outsourcing of the processing of the application to another part of the UK appears particularly ill advised and the absence of a site visit is not good practice. However, the Council has explained in its costs rebuttal statement that this was a temporary measure due to a lack of resources. In addition, a site visit was undertaken by a senior officer at the start of this appeal and the refusal decision adjudged to be sound.
5. In essence any shortcomings in dealing with the application appear to be a systems failure that applied to all applications for a period, rather than individual inadequacies relating to this application. Accordingly, whilst unsatisfactory I do not regard it as unreasonable behaviour.
6. As regards the substantive grounds, the site has a planning history of two refusals for the erection of a dwelling within the last decade. Together with the appeal application the Council has been consistent with its two reasons for refusal. Although the current appeal application has revised the earlier

proposals, it is clear from my Decision and the reasons for it that in respect of both main issues I consider the Council has come to the correct decision.

7. In this context I am of the view that the relative brevity of the Officer's Report and the absence of an appeal statement by the Council are not factors that demonstrate an important inadequacy or unfairness in respect the refusal of the application and the defence of that decision.
8. In fact, whilst many appeal applications are finely balanced, I consider this case to be straightforward in respect of forming a view on the main issues, albeit that the Council has placed more emphasis on the building's design than the wider point of its incongruous appearance in this particular setting. Be that as it may, the wording of the first reason for refusal goes to the core of the issue and along with the highway objection I consider the decision to refuse permission to be both sound and fair.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the planning guidance, has not been demonstrated. Accordingly, the application for an award of costs is refused.

Martin Andrews

INSPECTOR