



Costs Decision

Site visit made on 26 February 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 April 2025

Costs application in relation to Appeal Ref: APP/Y1110/W/24/3355233

170 Pennsylvania Road, Exeter EX4 6DX

- 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 Tim Davies of Compass Property Development for a full award of costs against Exeter City Council.
 - The appeal was against the refusal of planning permission for the use of an outbuilding as an annex for an existing small HMO (Use Class C4).
-

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. Unreasonable behaviour on the part of a local planning authority may include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
4. On the substantive grounds the applicant's claim is that the Council acted unreasonably in the following ways: that it failed to consider a scheme which an Inspector previously found to be acceptable, APP/Y1110/W/22/329722, and it objected to an existing lawful building.
5. The Council has not provided a response to the application for costs.
6. Whilst there are some similarities between the appeal referenced, that decision related to a family home and the context of the site and annex building are not directly comparable. Given that this proposal related to a House in Multiple Occupation with a different relationship between the buildings I do not find that the Council was unreasonable in reaching different conclusions.
7. Whether or not the building is lawful did not form a main issue in this case. The Council considered the effects of the change of use which was a reasonable approach. Whilst I have found that the impact on the character and appearance of the area would be acceptable the Council had the right to reach a different view. In any event the appeal would not have been avoided even if there were consensus on this matter.

8. For these reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, an award of costs is not justified.

H Faulkner

INSPECTOR