



Costs Decision

Site visit made on 9 April 2025

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Costs application in relation to Appeal Ref: APP/X1165/W/24/3355185 53A Woodville Road, Torquay, Torbay, TQ1 1LP

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Ian Cumptsey for a full award of costs against Torbay Council.
 - The appeal was against the refusal of an application for planning permission for alterations and change of use from builders workshop/garage to one-bedroom dwelling (as revised by letters dated 9/2/01 and 13/2/011 and plans received 13/2/01) without complying with a condition attached to planning permission Ref 2000/0434/PA, dated 16 February 2001.
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Decision

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

Reasons

2. 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.
3. The Appellant understandably complains about the protracted timescale of the application and refusal process as conducted by the Council. Importantly however, the Appellant did not choose to appeal on the available grounds of non-determination and there is nothing in the written submissions to suggest that the eventual appeal against refusal was unnecessary.
4. Moreover, in the refusal and appeal at least, the Council provided a clear reason for the subject windows to be required to remain fixed shut in accordance with the disputed condition. This was based upon a judgement, to which the planning authority was entitled, that to allow the application and appeal would, on balance, be unacceptably contrary to adopted policy to protect residential amenity.
5. I consider that the conduct of the Council, specifically in connection with the appeal process, was reasonable and that it is appropriate in this case for the Appellant to bear the full costs of the appeal.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. (The fact that the appeal was decided in favour of the Council is not relevant to the costs application and has no bearing upon this conclusion.)

B J Sims

INSPECTOR