

Costs Decision

Site visit made on 27 May 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: 01 July 2025

Costs application for Appeal Ref: APP/X1165/D/24/3356183

18 Branksome Close, Preston, Paignton TQ3 1EA

- 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 and Mrs G A Rowe for a full award of costs against Torbay Council.
 - The appeal was made against the Council's refusal of planning permission for the formation of a two-storey rear extension; loft conversion including hip to gable roof alteration with rear dormer and two attached pitched roof dormers to the front'; front porch with pitched roof; wraparound balcony to the rear and side to include bi-fold doors and balustrading; changes to fenestration, and 2.5m planting on the southeast elevation boundary.
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Decision

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

Reasons

2. The Government's National Planning Practice Guidance 2014 (continually updated online) 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. In essence, the appellants argue that the Council's appraisal of the appeal application was both quantitatively and qualitatively inadequate. Whether intentionally or not the costs application appears to compare the officer's report directly with the evidence submitted on behalf of the appellant.
4. However, the appeal scheme is a householder application, albeit for substantial works which have a potential impact on the character and appearance of the host dwelling and Branksome Close and the living conditions for the adjoining properties on both sides. The relatively minor status as a householder application compared to larger and more complex developments that attract interest from a wider public demographic simplifies its procedure and the extent of participation by the appeal parties. Associated with these limitations is inevitably a constraint on officer time spent on each application, given that in each cycle of delegation there are many others to be processed.
5. Taking these factors into account and that the appeal application was a relatively minor revision of an earlier proposal, I do not regard the Council's evidence in the form of the report, the inspection of the site and its surroundings and the processing of the application, including contact with the agent, to be so inadequate as to be unreasonable. I acknowledge that there are

some flaws and inconsistencies, but fundamentally these are not of a significance that fatally undermines the Council's case.

6. The reason that I have allowed the appeal is because on balance my planning judgement has a closer alignment to the appellant's submissions and my observations on my visit. It follows that my decision is not based on the Council's failure to present reasonable arguments and evidence. In short, the Council's submissions are not so weak as not to necessitate careful consideration in coming to my decision on the appeal.

Conclusion

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

Martin Andrews

INSPECTOR