



Costs Decision

Site visit made on 14 July 2026

by R Curnow MA(TCP), BSC(Hons), CMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2026

Costs application in relation to Appeal Ref: APP/Y1110/X/24/3352280

42 Sylvan Road, Exeter, EX4 6EY

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr David Paull for a full award of costs against Exeter City Council.
 - The appeal was against the refusal of an application for a certificate of lawful use or development for Change of use from House in Multiple Occupation for seven residents to eight residents.
-

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. The Appellant made his claim, which is for an award of full costs, but no response to this was made by the Council.
4. In brief, his case is that: the Council's case relating to the effects of the proposed use were speculative; the Council used the wrong baseline for its assessment; and that the Council should have taken account of other appeal decisions in the city.
5. Although the Council's case was succinct, in common with that of the Appellant for that matter, I found its arguments to be well-made. Given that the appeal related to a certificate of lawful proposed development, the Council could not state categorically what the outcomes would be and a modicum of speculation was to be expected. It did, however, cite from relevant appeal decisions and relevant matters raised by third-party residents in order to make its case. This did not amount to unreasonable behaviour.
6. I addressed the question of the baseline, from which the assessment as to whether there would be a material change of use of the property would stem, in my decision letter. There, I found the Appellant's suggestion that the Council was using the situation at 42 Sylvan Road in 2021 to be the baseline to be incorrect. It was to my mind simply setting the scene. The Officer report into the application was unequivocal when it said that the assessment should begin with the character of the activities from what has gone on previously. When read as a whole, I find that the Council was referring to the correct baseline; that arising after its decisions on applications 21/1057/LPD, 22/0351/LPD and 22/0821/LPD.

7. The Appellant says that the Council should have taken account of two appeal decisions and quotes from them in his costs' application. He did refer to one of these in his supporting statement at the application stage, but the other does not feature in his submissions. As I said, in my decision letter, and this is a point agreed by both main parties, each case falls to be determined on its individual facts. Other appeal decisions might provide guidance, but cannot be held to be determinative elsewhere. That it did not refer to these decisions cannot be held to be unreasonable behaviour. As I have said, above, its case was well- and reasonably made; that I disagreed with it does not render it otherwise.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

R Curnow

INSPECTOR