



Costs Decision

Site visit made on 10 September 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Costs application in relation to Appeal Ref: APP/K1128/W/18/3215689 South Barton Farm, Veasy Park, Wembury PL9 0ES

- 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 B Stephens for a partial award of costs against South Hams District Council.
 - The appeal was against the refusal of planning permission for the erection of 15 no. dwelling houses all matters reserved save for access and layout.
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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 was sent a copy of the Devon Education Team's comments late in the appeal process with the Council's statement of case, and thereafter undertook work in connection with a planning obligation in the short time available.
4. However, there was a specific reason for refusal of the application that there was no mechanism in place to deliver identified necessary planning mitigation. Whilst that reason is somewhat unspecific in terms of what mitigation may be required, the need for a contribution to education was noted in the Council's officer report. This reflected consultations received in respect of the planning application.
5. Planning obligations were clearly necessary to provide some of the required mitigation and there is no compelling evidence that this work had to be left until after the Council's statement of case had been provided.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

M Bale

INSPECTOR