
Costs Decision

Site visit made on 31 March 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Costs application in relation to Appeal Ref: APP/J9497/D/20/3262330 Sigford House, Sigford TQ12 6LF

- 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 & Mrs Young for a full award of costs against Dartmoor National Park Authority.
 - The appeal was against the refusal of planning permission to replace existing steel shed with new outbuilding.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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. Proposals for planning permission should be considered on their own individual merits. In this regard, two appeal decisions at Little Sigford Farm and Caseley Wood have not influenced my findings in respect of the current case as there appear to have been some differences in the circumstances. Nevertheless, it is important that a local planning authority's reasons for refusal stand up to scrutiny.
4. There are strict policies seeking to control development within the countryside area of the National Park. The Authority's officer report sets out that the reason for refusal is grounded in development plan policy. However, three of the policies with which conflict is alleged prevent the creation of independent dwellings which is not proposed.
5. I understand that the pre-amble to the most relevant policy sets out that it does not intend to facilitate increasingly independent occupation, but I have found no substantive evidence or site characteristics to indicate that such is likely in this case. Moreover, the policy wording itself explicitly allows ancillary accommodation, including that containing self-contained facilities, provided a condition ensuring that it remains ancillary and tied to the residential use of the main dwelling is imposed. Such would prevent the increasingly independent occupation that the pre-amble indicates the policy does not intend.
6. While planning officers may have taken all material considerations into account, I, therefore, find that the Authority's judgement that the proposal conflicts with

the development plan is not supported by the wording of the policies. The reason for refusal is, therefore, not supported by the development plan and there is no substantive evidence to indicate that the proposal should be determined otherwise than in accordance with it. Such indicates that the application should clearly have been permitted and, thus, the appeal would have been avoided altogether. The appellant has, therefore, incurred unnecessary expense associated with the entire appeal.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Dartmoor National Park Authority shall pay to Mr & Mrs Young, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to Dartmoor National Park Authority, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

M Bale

INSPECTOR