



Costs Decision

Site visit made on 9 February 2022

by H Porter BA(Hons) MSc PGDip, IHBC

an Inspector appointed by the Secretary of State

Decision date: 18th February 2022

Costs application in relation to Appeal Ref: APP/K1128/D/21/3287405 2 Barn Court, Berry Pomeroy, TOTNES, TQ9 6GS

- 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 Richard and Sally Walker for a full award of costs against South Hams District Council.
 - The appeal was against the refusal of planning permission for a single storey extension.
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Decision

1. The application for a full award of costs is refused.

Reasons

2. 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 degree to which an appeal proposal accords, or fails to accord, with the development plan and national policies is ultimately a matter of judgement. It will be seen from my decision letter that I took a different position to the Council in deciding the appeal. Nevertheless, the Officer's Report clearly demonstrates the reasons for refusal and that an assessment of the scheme had been undertaken on the basis of understanding the appeal building, the local context, and the relevant planning policies. The appeal site is not located in the open countryside and so I cannot agree that the Council misdirected itself in not turning to Policy TTV29 in assessing the proposals.
4. That the Council has allowed residential extensions elsewhere in the District does not indicate any inconsistency in the Council's approach to assessing the effect of light-spill. Each case should be determined in respect of the individual circumstances and merits of the case and this is the approach the Council evidently followed.
5. I therefore do not find unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated. No award of costs is made.

H Porter

INSPECTOR