
Costs Decision

Site visit made on 25 August 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 14 September 2022

Appeal Ref: APP/X1118/W/21/3284991

Trees Farm, Shutscombe Hill, Brayford, Barnstaple, Devon EX32 7QE

- 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 appeal is made by Mr Michael Coster for a full award of costs against North Devon District Council.
 - The appeal was against a refusal of the local planning authority to grant planning permission for a proposed development described as erection of agricultural building (part retrospective).
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Decision

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

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 applicant's claim partly relates to the merits of a 2018 application for prior approval, and matters surrounding the Council's handling of that application. In this regard the PPG states that whilst costs applications may relate to events before the appeal was brought, costs that are unrelated to the appeal are ineligible. As the 2018 application is not the subject of the current appeal, the matters raised by the applicant cannot be considered for an award of costs.
4. The applicant asserts that a 2016 prior approval scheme should have provided a basis for the appeal scheme itself to be approved. As set out within my main decision however, the decision-making content and circumstances differ. In this regard the Council's assessment of the application subject of the appeal was necessarily based on circumstances as they currently existed.
5. The applicant states that the Council's identification of a lack of commercial farming of the land was unsubstantiated. However, this was clearly established at appeal in 2021. In this regard the applicant's case itself lacked the evidence necessary to demonstrate that circumstances had changed.
6. The applicant further states that in making its decision the Council 'misapplied' Policy DM08 of the North Devon and Torridge Local Plan 2011-2031, which relates to biodiversity and geodiversity. However, as the terms of Policy DM08 apply to 'all development', it was clearly relevant, notwithstanding the Council's

unusual step of identifying the absence of information necessary to demonstrate compliance within an informative.

7. The applicant asserts that refusal of the scheme was based on 'peer pressure', listing a number of interested parties. Interested parties are however entitled to make representations in relation to planning applications. Whatever role such representations might have played in informing the Council's decision, I am satisfied that the latter was correct, as is reflected in my dismissal of the appeal.
8. For the above reasons I find that unreasonable behaviour resulting in unnecessary or wasted expense as described in the PPG, has not been demonstrated.

Conclusion

9. For the reasons outlined above, I conclude that the application for an award of costs should be dismissed.

Benjamin Webb

INSPECTOR