



Costs Decision

Site visit made on 17 May 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2023

Costs application in relation to Appeal Ref: APP/J9497/W/21/3288876 Higher Combe, Lustleigh, North Bovey, Devon TQ13 9SE

- 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 Alex Spring for a full award of costs against Dartmoor National Park Authority.
 - The appeal was against the refusal of planning permission for new manege (50 x 25m) and associated landscape works and partial change of use of an existing agricultural barn to stables.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that costs may be awarded where a party has acted unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellants case for a full award of costs is that the Authority in refusing the planning application did not engage with the appellant to seek solutions and failed to determine the application within the statutory time period with no reason given.
4. No comments have been received from the Authority specifically in respect of the appellant's costs application although the points made in the application have been addressed in the Authority's Statement.
5. The Authority's Statement refers to a meeting on site between the appellant, their agent and an officer of the Authority which led to a subsequent planning application being submitted. The Statement also refers to discussions during the course of the application relating to alternative locations and alterations to the size of the manege but it does not appear that solutions could be found.
6. It is clear from the Officer Report that the Authority did not consider that solutions to their objections could have been negotiated, with the officer noting that 'the scheme represents a form of development so far removed from the vision of sustainable development supported in the development plan that no changes could be negotiated to render the scheme acceptable'.
7. The appellant submits that in refusing the planning application, the Authority did not consider the other elements of the proposal advanced by the appellant,

namely the partial change of use of the barn to stables and a certificate of lawfulness to establish the lawful domestic curtilage of the property.

8. The description of the proposal in the banner heading above is taken directly from the application form. The certificate of lawfulness is not mentioned in that description and in any event, cannot be determined through the planning application process. I have addressed this point in my formal Decision.
9. With regards to the partial change of use of the barn to stables, express powers to issue split decisions are given to the Secretary of State and Inspectors. The PPG advises that planning authorities should only use a condition to grant permission for part of a development in exceptional circumstances. My attention has not been drawn to any such exceptional circumstances. As such, I do not consider that the Authority acted unreasonably to not pursuing this course of action.
10. Taken together, I do not find that the Authority acted unreasonably in proceeding to determine the planning application in the manner that it did.

Conclusion

11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and an award of costs is not justified.

Alison Fish

INSPECTOR