
Costs Decisions

Site visit made on 21 February 2023

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 03 March 2023

Costs application in relation to Appeal A Ref: APP/Q1153/W/22/3292270 Weeke Farm, Lane Past Weeke Farm, Spreyton EX17 5AF

- 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 Mrs Sarah Barker and Mr Anthony Barker for a full award of costs against West Devon Borough Council.
 - The appeal was against the refusal of West Devon Borough Council to grant Prior Approval for the conversion of 1 No. existing agricultural barn to accommodate 1 No. larger dwellinghouse.
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Costs application in relation to Appeal B Ref: APP/Q1153/W/22/3292271 Weeke Farm, Lane Past Weeke Farm, Spreyton EX17 5AF

- 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 Mrs Sarah Barker and Mr Anthony Barker for a full award of costs against West Devon Borough Council.
 - The appeal was against the refusal of West Devon Borough Council to grant Prior Approval for is the conversion of existing barn into 2 No. larger dwellinghouses.
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Decision

1. The application for a full award of costs in relation to Appeal A and Appeal B is refused.

Reasons

2. Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. Parties in planning appeals and other planning proceedings normally meet their own expenses.
3. The PPG states that awards against Local Planning Authorities may be either procedural, in respect of behaviour in relation to the appeal process, or substantive, which relates to the planning merits of the appeal. In this instance, the Applicant is seeking a full award of costs in relation to substantive matters.
4. The PPG includes examples of unreasonable behaviour by planning authorities. Amongst other things, this can include, "preventing or delaying development which should clearly be permitted, having regard to its accordance with the

development plan, national policy and any other material considerations” and “refusing planning permission on a planning ground capable of being dealt with by conditions”.

5. It will be seen from my decision that I agree with the Council that the location or siting of the buildings makes it otherwise impractical or undesirable for the buildings to change from agricultural use to dwellinghouses. Furthermore, for reasons given in the Appeal Decision, I have also concluded that the suggested planning conditions and suggested planning obligation would not be sufficient to overcome the reasons for refusal as given by the Council on its Decision Notices.
6. Given the reasons and conclusions outlined in the Appeal Decision, I do not find that the Council prevented or delayed development that should have been clearly permitted, nor refused planning permission on planning grounds that were capable of being dealt with by the suggested planning conditions or by the submitted draft planning obligation. Consequently, I do not find that the Council have acted unreasonably in these regards. Accordingly, it is not necessary to consider the matter of whether or not there has been unnecessary or wasted expense in the appeal process.
7. In conclusion, I find that unreasonable behaviour, resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and that, therefore, awards of costs are not justified in respect of both Appeals.

A Spencer-Peet

INSPECTOR