



Costs Decision

Site visit made on 28 March 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023

Costs application in relation to Appeal Ref: APP/W1145/W/22/3297057 Land to east of School Lane Farm, Chilsworthy, Holsworthy, EX22 7BQ

- 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 Barton Farm Homes Ltd for a full award of costs against Torridge District Council.
 - The appeal was against the refusal of outline planning permission for residential for 5 dwellings.
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Decision

1. The application is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 concerns relate to the Council's Environmental Protection Officer (EPO) advice and involvement in the Council's decision. The applicant submits that the EPO provided no evidence to dispute the submitted Odour Assessment, that his evaluation was subjective and without substance, and that it is unclear whether he was qualified to provide such advice. It is also suggested that the Council should have carried out its own odour report.
4. I have found the comments provided by the EPO both during the time before the Council refused the application and at the appeal stage to be thorough and substantive. It is clear that he has carefully considered the evidence before him, taken into account the characteristics of the site and applied his own knowledge and experience to the case. There is nothing before me to support the suggestion that his comments are purely subjective or without substance.
5. The applicant also submits that it is not clear whether the EPO visited the site. An email exchange between the agent and the EPO confirms that he did visit the site.
6. With regard to whether the Council should have commissioned its own report, the Council advises that this is not usual practice, and that in house experts would normally review submissions. There is nothing before me to suggest that the Council did not have an appropriate level of in house expertise with which to assess the submitted information.

7. Further to this, I can see from the officer report that the Planning Officer carefully considered the advice of the EPO in the context of local policy and other planning matters, and reached a clear and well reasoned conclusion.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Tucker

INSPECTOR