



Costs Decision

Site visit made on 15 November 2023

By C Cresswell BSc (Hons) MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Costs application in relation to Appeal Ref: APP/W1145/W/23/3319020 Yatton Court, Lane to Yatton Court, Beaford, Devon, EX19 8AH

- 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 Torridge District Council for a full award of costs against Miss Richardson.
 - The appeal was against the refusal of the Council to grant planning permission for new ancillary building to be used for dog agility training.
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Decision

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

Reasons

2. The Council say that the appeal was unreasonable because the proposal is clearly not in accordance with the development plan. However, whether the proposal is compliant with the policies cited by the Council in its Decision Notice is largely a matter of planning judgement. Policy ST07 requires an assessment of need, whereas the heritage and landscape policies require a visual assessment of the site and surroundings. These are subjective matters which the appellant was free to reach their own view on. Detailed evidence has been provided to explain why, in the appellant's opinion, the proposal would comply with these policies. Overall, the appellant was fully entitled to appeal the decision of the Council to refuse the development.
3. The Council also say the appellant has ignored the findings of their own Heritage Impact Assessment and has not correctly addressed the impact of the proposal on landscape character. In my view, these are criticisms of the planning merits of the case rather than a demonstration of unreasonable behaviour that would lead to an award of costs. While I am informed that the Council spent 14 hours of officer time responding to the appeal, it seems to me that this is just part and parcel of the planning process.
4. Overall, the appellant acted reasonably in making the appeal and was able to substantiate their case. Unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

C Cresswell

INSPECTOR