



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 Miss Richardson for a full award of costs against Torridge District Council.
 - 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 appellant argues that the Council should have given more weight to the material considerations put forward in support of the appeal, especially as there are no development plan policies that specifically address proposals for dog training facilities. However, the weight given to material considerations in the overall planning balance is a matter of judgement which the Council was entitled to reach its own opinion on. In my view, the Council's written evidence covered all of the main points raised by the appellant.
3. While the Officer Report said there would be visual harm to the setting of the listed buildings, relatively limited information was provided to explain why this was considered to be the case. However, a more detailed analysis was set out in paragraphs 5.1 to 5.5 of the Council's Appeal Statement. The findings of the Heritage Impact Assessment are referred to and it is argued that the proposed development would be seen from the listed buildings. The Council's statement goes on to explain why harm has been identified and why this was considered to have a less than substantial impact.
4. It therefore seems to me that the Council justified its stance on these matters and did not rely on vague or generalised assumptions. Evidence is framed around national and local planning policies. Although no objections were raised by the Conservation Officer, it was entirely fair for the decision maker to reach their own conclusions on the proposal.
5. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

C Cresswell

INSPECTOR