The Planning Inspectorate

Costs Decision

Site visit made on 16 November 2023

by Colin Cresswell BSc (Hons), MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2023

Costs application in relation to Appeal Ref: APP/X1118/W/23/3317058
Land at Stonelands Cross, Rackenford, Tiverton EX16 8DL

- 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 James Pryce Tractors Ltd for a full award of costs against North Devon District Council.
- The appeal was against the refusal of planning permission for "Hybrid planning application to provide an Agricultural-Hub comprising: Area 1: Full Planning Permission for the erection of workshop and storage and distribution uses with ancillary offices, shop and showroom, (sui generis),creation of access and associated works (Phase 1) Area 2: Outline Application for the erection of buildings 1, 2 & 3 for agri-business uses falling under Use Classes Class E (a) retail, Class E (e) medical services, Class E (g) Business, B2 workshop and B8 storage and distribution with appearance and scale to be reserved matters (Phases 2 & 3)."

Decision

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

Reasons

2. The appellant argues that the search exercise proved that that there were no other sites available that could accommodate the proposed development. However, the Council's Statement says that the search exercise should have been focused on finding sites capable of accommodating Phase 1 of the development and not Phases 1-3. This is a reasonable point for the Council to have raised in defence of its position.

3. Besides, the Council's reasons for refusing the proposal did not rely on this argument. Concerns were also expressed at the relatively remote location of the site and the need to drive there, as well as conflict with the development plan. Whether the economic benefits of the proposal are sufficient to outweigh these concerns is a matter of planning judgement which the Council was entitled to reach its own view on. Hence, this is not a case of preventing or delaying development which should clearly be permitted.

4. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

C Cresswell

INSPECTOR