



Costs Decision

Site visit made on 5 June 2024

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Costs application in relation to Appeal Ref: APP/Q1153/W/23/3332182 Willowdene, Bratton Clovelly, Okehampton EX20 4LB

- 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 West Devon Borough Council for a partial award of costs against Mr and Mrs Braidwood.
 - The application Ref: 2590/23/FUL, dated 27 July 2023, was refused by notice dated 9 October 2023.
 - The appeal was against the refusal of planning permission for an ancillary domestic timber studio building.
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Decision

1. The application for a partial award of costs is refused.

Preliminary Matters

2. The costs application submitted by the applicant (West Devon Borough Council) does not expressly state whether a full or partial award of costs is sought. However, by reason of the information contained within the costs application, I have interpreted the application as being as an application for a partial award of costs, and I have considered the costs application on that basis.

Reasons

3. 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. The general principle embodied within the PPG is that the parties involved should normally meet their own expenses.
4. The applicant is seeking a partial award of costs against the appellants (Mr and Mrs Braidwood). The applicant considers that the appellants have behaved unreasonably in seeking their own costs application. The applicant submits that the appellants application for costs is hopeless and is therefore of itself unreasonable, as a result the applicant has been put to the unnecessary expense of having to consider and respond to it.
5. However, I do not agree with the applicant that the appellants cost application is hopeless. Whilst I have refused the appellants costs application, my conclusions were finely balanced, and I was not particularly convinced by a number of the applicant's planning arguments in substantiating their position.

6. For these reasons, unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

J Evans

INSPECTOR