



Costs Decision

Site visit made on 2 July 2024

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2024

**Costs application in relation to Appeal Ref: APP/W1145/W/23/3333137
Higher Town Farm, Road from Woolsery Primary School to Duerdon Cross,
Woolsery, Devon EX39 5QS**

- 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 Mr M Fletcher.
 - The appeal was against the refusal of planning permission for retention of existing dwelling.
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Decision

1. The application for an award of costs 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 Council's costs claim states that the appellant acted unreasonably as the proposal conflicts with the development plan and no material considerations indicate that permission should be granted nonetheless.
4. Whilst I have concluded that the proposals did not accord with the development plan, it is clear from the evidence that the appellant advanced a range of other material considerations which needed to be weighed in the planning balance. These included the need for new homes and rented accommodation in the village; the close proximity of the site to the village and its relationship to the settlement boundary; the accessibility by foot to local services; and the current low levels of agricultural activity around the site.
5. It is reasonable for the appellant to advance matters such as these which may, in other circumstances, have indicated that permission should be granted contrary to the development plan.

Conclusion

6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Kent

INSPECTOR