



Costs Decision

Site visit made on 4 June 2024

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th August 2024

Costs application in relation to Appeal Ref: APP/U1105/W/23/3332359 Land adjacent to 1 Ball Knapp, Dunkeswell, Honiton, Devon EX14 4QQ

- 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 Mr Anthony Watts for a full award of costs against East Devon District Council.
 - The appeal was against the refusal of the Council to grant planning permission for an Outline Application with all matters reserved for the erection of one dwelling.
-

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. In setting out the background to the reason for refusal, the planning officer's report made clear that it was an outline application with all matters reserved. It explained that it was necessary to consider whether the plot could accommodate a dwelling in a manner which would not detract from its surroundings. The report accepted that the plans were illustrative but also referred to them in assessing whether the plot could accommodate a development which would avoid appearing unduly cramped. Whilst the Council clearly did use the illustrative material to inform its judgement, I am satisfied that it did not base its decision on them. It further substantiated this in its letter of 20th February 2024 providing additional observations in response to the appellant's Statement of Case.
4. I am therefore satisfied from the evidence that the Council was concerned with the effect of the development on the character and appearance of the surrounding area rather than the detailed design or appearance of the proposed dwelling. This was an appropriate matter to consider as part of establishing the principle of development on the site.
5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Kent

INSPECTOR