



Costs Decision

Site visit made on 17 September 2024

by P N Jarratt BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2024

**Costs application in relation to Appeal A Ref: APP/Q1153/C/23/3314436
and Appeal B Ref: APP/Q1153/C/23/3314437**

**Land at Waterhouse Farm, Runnon Moor Lane, Hatherleigh, Okehampton,
Devon, EX20 3PL**

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Josephine Willers (Appeal A) and by Sam Willers (Appeal B) for a full award of costs against West Devon Borough Council.
 - The appeal was against an enforcement notice alleging a material change of use of land to a mixed use involving the siting of a mobile home for residential purposes and the erection of a lean-to and a shed.
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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 appellant alleges that the Council has been unreasonable in issuing a flawed notice; reasons for issuing the notice that do not relate to or justify the breaches alleged; misunderstanding the law; failing to address the matters enforced against; requiring the cessation of activities not enforced against; a failure to review the Council's position on appeal; a refusal to enter into constructive discussions; failure to investigate appropriately; failure to present sufficient evidence and, the making of inaccurate statements.
4. The basis of the appellants' costs application is predicated on them disagreeing with the assessment of the development carried out by the Council. In other words they have carried through to this costs application their disagreement over whether the development is a material change of use or a building.
5. On the evidence before me, the Council have pursued enforcement action in a professional manner and explained their reasons for doing so. They have made a fact and degree judgement on the nature of the unauthorised development, albeit that this appears to have been carried out without entering the mobile home or being aware of internal changes to the caravan. However, that does not indicate any unreasonable behaviour on their part as there is adequate visible external evidence to justify the allegation in the notice, and this is supported with the photographs taken at the time. The notice was drafted with

legal input. Their evidence was clear and succinct dealing with all relevant matters.

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

P N Jarratt

INSPECTOR