



Costs Decision

Site visit made on 12 September 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2024

Costs application in relation to Appeal Ref: APP/U1105/W/24/3345720 Ivy Green Farm, Chardstock, Devon EX13 7BY

- 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 Paul FitzHenry for a full award of costs against East Devon District Council.
 - The appeal was against the refusal of planning permission for the change of use of existing annexe accommodation to enable dual use as either annexe and/or holiday accommodation.
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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. In this instance, the applicant has suggested that the Council has been inconsistent in its decision making on the basis that it gave permission to a very similar proposal in 2017. I am of the view that it is not unreasonable for the Council's interpretation of the policies in the local plan to evolve over time, particularly in light of other decisions. Given the length of time that has passed between the two applications, it does not seem to me that the Council has not acted unreasonably in coming to a different view. Furthermore, a much more recent appeal decision¹ has been made, which in my opinion, is directly comparable to the appeal before me. Indeed, both locations contain very few services and facilities, are not accessible by public transport, and therefore leave the users of the accommodation highly reliant on use of the private car. It is not unreasonable for the Council to have considered the appeal decision in determining this application.
4. In terms of the emerging local plan, this is at an early stage of preparation, and it is not appropriate to afford anything other than very limited weight to its draft policies. The fact that national policy allows the Council to avoid the 'tilted balance' by having a Regulation 18 version of the emerging local plan does not alter this fact.
5. In terms of the Community Hall at Chardstock, I acknowledge that there are a variety of events that are held there. However, it is inevitable that these events are primarily aimed at local residents. I therefore do not consider that the

¹ APP/U1105/W/23/3318815

presence of the Community Hall alters my overall conclusion that users of the holiday accommodation would be highly reliant on the private car.

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

C Butcher

INSPECTOR