



Costs Decision

Site visit made on 8 October 2024

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2024

Costs application in relation to Appeal Ref: APP/Q1153/W/23/3332821 Linkincorn, Stoke Hill Lane, Crapstone, Devon PL20 7PG

- 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 Elite Estates Holdings Limited for a partial award of costs against West Devon Borough Council.
 - The appeal was against the refusal of planning permission for Construction of Five Dwellings & Associated Works.
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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. The applicant considers that the Council acted unreasonably by making errors and failing to consider the potential for planning conditions to address concerns.
3. With regards to the fourth reason for refusal, the separation distances identified by the Council differ to those provided in the applicant's appeal statement; and the Council's measurements do appear to be erroneous. However, it seems to me that the error is likely to have stemmed from the inconsistency between the stated 1:200 scale on the proposed enlarged site plan and its scale bar not including that scale. The Council's fourth refusal reason could thus not reasonably be described as stemming from unreasonable behaviour of its own making. In any event, given the positions of the existing and proposed properties, the issue of overlooking was not a clearly irrelevant concern.
4. In relation to consistency with other decisions, the available evidence does not indicate that the Council's position on the appeal proposal, based on its particular circumstances and the site's position, was unacceptably contrary to that of other (Council or appeal) decisions. There also appears to be broad (appropriate) agreement across the various decisions that Crapstone is a 'tier 4' settlement. The Planning Officer's reference in correspondence with the applicant to an appeal decision in Axton does not lead me to a different conclusion. In addition, the level of Crapstone's services and facilities – including travel options to other settlements – identified by the Council was broadly accurate.
5. The Council's Decision Notice sets out the reasons for refusal, which are complete, precise, specific and relevant to the development proposed, and

detail the alleged harm/insufficiencies and relevant planning policies. The Council's Officer Report and appeal statement elaborate on the refusal reasons and include sufficient detail in relation to its concerns and the allegations.

6. Even though I have come to a different view to the Council, its submissions therefore included sufficient detail and evidence to substantiate its position on the refusal reasons. Given the limited – and on occasion inconsistent – detail submitted with the planning application regarding drainage, carbon reduction and trees, these matters also required further detail and clarification before it could be concluded that conditions could be used to make the proposed development acceptable and compliant with relevant policies. Irrespective of its position on the principle of development, the Council was also under no obligation to request or accept such additional detail during its determination of the planning application.
7. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated and an award of costs is not warranted.

T Gethin

INSPECTOR