



Costs Decision

Hearing held on 10 December 2024

Site visit made on 10 December 2024

by R Curnow MA(TCP), BSC(Hons), CMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2025

Costs application in relation to Appeal Ref: APP/W1145/C/24/3351281

St Giles on the Heath, Launceston, Cornwall, PL15 9SS

- 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 Mr David Salvidge for a partial award of costs against Torridge District Council.
 - The appeal was against an enforcement notice alleging the mixed use of land for agriculture and storage and distribution.
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Costs application B in relation to Appeal Ref: APP/W1145/C/24/3351281

St Giles on the Heath, Launceston, Cornwall, PL15 9SS

- 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 Torridge District Council for a full award of costs against Mr David Salvidge.
 - The appeal was against an enforcement notice alleging the mixed use of land for agriculture and storage and distribution.
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Decision

1. In respect of Application A: The application for an award of costs is refused.
2. In respect of Application B: The application for an award of costs is refused.

Reasons

3. 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.

Application A

4. Mr Salvidge seeks a partial award of costs, related to the costs incurred in the Hearing. This, he said, was unnecessary. Had he been given the opportunity through a letter or negotiation, he would have tidied up the site. Therefore, there was no need for the Hearing and this led to unnecessary expense.
5. The Appellant was aware of the Council's position that planning permission was needed for the use of the land for the storage and distribution use, as this had been the subject of a Council investigation in 2017. He had received a letter from it to this effect, as is evidenced in the Statement of Common Ground. The refrigerated units

were removed from the land by June 2018 and the Council closed that enforcement case.

6. Following the receipt of complaints in 2019, the Council investigated the present breach of planning control. Although Mr Salvidge said that he did not recall a meeting with a Council officer, which the Council said occurred in October 2019, he did say that an “awful lot” had happened since that time and I find that, on the balance of probability, the meeting did occur. This did not lead to the cessation of the breach. It seems unlikely that a letter would have either. Furthermore, as the Council said, this would not have addressed the matter of the refrigerated units. Given that the mixed use was clearly contrary to the Council’s policies, I find that the Council was quite entitled to issue the Notice, and that this was not an unreasonable act.
7. Therefore, for the reasons given above, I find that the Council did not act unreasonably, and its actions did not lead to unnecessary expense.

Application B

8. The Council seeks a full award of costs. However, if planning permission were to be granted by way of a successful Ground (a) appeal, it would seek a partial award of costs.
9. The Council say that the Appellant gave no justification for allowing the proposal, given the site’s isolated position in the open countryside where national and local planning policies weighed against the development. Given that it had undertaken enforcement investigations on the site previously, that led to the land being cleared but then the condition of the land deteriorated once again through a recurrence of the breach, the Council felt that there was no alternative other than to issue the Notice. Therefore, the Council are of the view that having ignored warnings, not responding to correspondence and pursuing a “doomed application”, the Appellant acted unreasonably and this led to unnecessary expense.
10. From the evidence before me, the Appellant’s response that the Council allowed the breach to go on for 8 years was incorrect. This shows that the original breach had ceased in 2018, but recurred in 2019.
11. Although I found against the Appellant’s Ground (a) case, the act of making that appeal does not automatically equate to unreasonable behaviour. Here, I bear in mind the fact that the Council had invited a planning application in respect of the 2016 breach. I have little doubt that this would have had a bearing on the Appellant’s decision to seek planning permission at appeal. He would not necessarily have thought that his position was “doomed”, given that earlier invitation by the Council. Indeed, he presented a coherent and well-argued case. Although his appeals were largely unsuccessful, the act of making them was not unreasonable.
12. Therefore, for the reasons given above, I find that the Appellant did not act unreasonably and those actions did not lead to the Council incurring unnecessary expense.

R Curnow

INSPECTOR