



Costs Decision

Inquiry held on 3 to 6 December 2024 and also on 16 December 2024

Site visit made on 6 December 2024

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2025

Costs application in relation to Appeal Ref: APP/K1128/W/24/3347514

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by South Hams District Council for a partial award of costs against Baker Estates Limited.
- The inquiry was in connection with an appeal against the refusal of planning permission for the demolition of existing buildings and a residential redevelopment of up to 40 dwellings, including the formation of access and associated works.

Land at Pennpark, Modbury, Devon PL21 0TB

Decision

1. The application for an award of costs is refused.

The submissions for South Hams District Council

2. The costs application was submitted in writing. The application from the Council was limited to those costs incurred in responding to the Appellant's cost application.
3. I have had regard to the response from Baker Estates to this costs application in my decision.

Reasons

4. 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.
5. The applicant states that there was no basis for the costs application to have been made by Baker Estates Limited against the Council and it should be dismissed. Indeed, the costs application from Baker Estates Limited against the Council was refused. However, the question is whether Baker Estates was acting reasonably in submitting a costs application.
6. On this point, the appellant in the appeal set out in detail the reasons why it considered that the development should be awarded planning permission. Whilst the appeal has been dismissed, I did not regard either main issue being straight forward with substantive cases being made by both main parties. Whilst the appeal was dismissed, it was not unreasonable for Baker Estates to conclude that their views on the main issues should have resulted in the appeal being allowed. Furthermore, it was not unreasonable for Baker Estates to be so convinced by their case that an application for costs against the Council should be submitted.

7. Ultimately, the appeal was dismissed for the reasons set out in that Decision, but this is not to say that I had not understood the merits of the arguments being made by the appellant in the inquiry, and which were mirrored to some extent with the costs application. As such, I do not agree that Baker Estates acted unreasonably in submitting a costs application.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Mr S Rennie

INSPECTOR