



Costs Decision

Hearing held on 4 February 2025

Site visit made on 5 February 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2025

Costs application A in relation to Appeal Ref: APP/W1145/W/24/3345400

Kingsbeer, Green Lane, Beaworthy EX21 5XQ

- 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 Torridge District Council for partial award of costs against Ms Sarla Vale.
 - The appeal was against the refusal of planning permission for a permanent worker's dwelling.
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Costs application B in relation to Appeal Ref: APP/W1145/W/24/3345400

Kingsbeer, Green Lane, Beaworthy EX21 5XQ

- 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 Ms Sarla Vale for partial award of costs against Torridge District Council.
 - The appeal was against the refusal of planning permission for a permanent worker's dwelling.
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Decisions

1. Costs application A - the application for an award of costs is refused.
2. Costs application B - the application for an award of costs is refused.

Costs application A submissions

3. Submissions for Torridge District Council (the Council) were provided in writing with a rebuttal from Ms Sarla Vale (the appellant) also made in writing. The Council confirmed their position orally during the Hearing.

Costs application B submissions

4. The appellant's application for costs was submitted in writing. The Council made its response orally during the Hearing, and the appellant was provided with the opportunity to respond. Although reference was made within the appellant's rebuttal of the Council's application that the appellant was seeking a full award of costs, it was confirmed during the Hearing that a partial award was sought.

Reasons

5. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance 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.

6. Both costs applications relate to the submission of the RWD Appraisal¹ by the Council in terms of its preparation, timing and contents. Therefore, I have dealt with both party's claims in parallel.
7. Whilst the appellant may not have been aware that the Council had commissioned the RWD Appraisal, there is nothing to preclude the submission of additional evidence to substantiate a party's case. The Council's Statement of Case, including the RWD Appraisal was submitted within the Hearing timescales. The appellant provided comments on the RWD Appraisal, albeit after the deadline for main party's statements. However, although the Hearings procedure does not include a formal final comments stage, I have discretion to accept evidence submitted after the aforementioned deadline. The submission of additional comments does not demonstrate unreasonable behaviour on the appellant's part.
8. As this was the appellant's first sight of the RWD Appraisal, there was a strong likelihood it would be discussed during the Hearing. Consequently, I was satisfied accepting the comments would not prejudice any party's case and would assist in running an efficient and timely event. To avoid a lengthy back and forth between the parties, no further comments were invited at that stage. Detailed discussions of the RWD Appraisal were undertaken during the Hearing, with both the Council and appellant provided with the opportunity to voice their respective positions.
9. Although the Council felt the need for the Agricultural Consultant to attend the Hearing in order to defend the RWD Appraisal, this was their choice. It was not essential to the procedure and I see no reason why the Council representatives could not have dealt with any discussions regarding the report, particularly given receipt of the appellant's queries about its contents.
10. The RWD Appraisal was prepared following a site visit attended by representatives of the Council, along with the Agricultural Consultant. It is unfortunate that the reasons for this visit and the role of the Agricultural Consultant in the appeal process were not effectively communicated to the appellant. However, it is not unreasonable for questions, including those of a technical or financial nature, to be asked during such a site visit. Even if the appellant offered to provide the Council with access to their accounts, this is evidence which was required as part of the planning application.
11. Although the Framework² requires the Council to work with an applicant in a positive and proactive manner when determining a planning application, this does not obligate the Council to request further information, particularly given the detail contained within Policy DM28 of the Local Plan³ and the SPD⁴. In any event, the evidence before me indicates that the Council did seek clarification on some matters and clearly highlighted their concerns regarding the evidence submitted with the planning application.
12. The appellant asserts that the RWD Appraisal is written in a way which is biased towards the Council and provides firm conclusions or recommendations, contrary to the SPD. However, although the report does provide conclusions, it is clear these are based on the evidence available to the Agricultural Consultant at the time and using her professional judgement. Nevertheless, the planning application had

¹ Rural Worker Dwelling Appraisal (the RWD Appraisal) prepared by Landsense Professional Ltd, dated November 2024

² National Planning Policy Framework (the Framework)

³ North Devon and Torridge Local Plan 2011-2031 (the Local Plan)

⁴ Rural Worker's Dwellings Supplementary Planning Document (the SPD)

already been determined when the Agricultural Consultant was appointed. Consequently, the contents of the RWD Appraisal could not have influenced the Council's decision.

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

Juliet Rogers

INSPECTOR

APPEARANCES

For the appellant:

Ms Sarla Vale	Appellant
Mr Robert Marshall	Appellant's partner
Mrs Helen Morris-Ruffle	Appellant's agent - Visionary Planning UK
Mr Ian Firth	Appellant's agent - Bondstones

For the local planning authority:

Mr Peter Stapley	Principal Planning Officer
Mr Angelo Massos	Principal Planning Officer
Mrs Sally-Anne Bloomfield	Agricultural Consultant - Landsense Professional Ltd