



Costs Decision

Site visit made on 10 February 2025

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date:

Costs application in relation to Appeal Ref: APP/Y1138/D/24/3354460 Hazeldene, Threshers, Crediton, Devon, EX17 3PB

- 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 Stephens for a full award of costs against Mid Devon District Council.
 - The appeal was against the refusal of planning permission for a proposed storey to garage to form an office.
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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 national 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. Paragraph 049 of the PPG advises that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably defending appeals. An example of this includes making inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. Paragraph 050 of the PPG states that where local planning authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs.
4. The applicant contends that in refusing planning permission the Council failed to accurately assess the visual impact of the proposal on the character of the surrounding area, finding harm in respect of the appeal but conversely not finding harm in respect of its decision to approve planning permission for 26 new dwellings on land adjacent. In addition, he contends that the local planning authority ignored the absence of objection from the Parish Council.
5. The Council has explained why its assessment of the two schemes differed; its position is that the extended garage would be in a more prominent isolated position directly next to the street, whilst the permission for the 26 new dwellings would include open space and landscape planting next to the public highway. I also note that the view of the Parish Council was documented in the officer's report, thus it was taken into account.
6. Although, I have reached a different view on the development than the Council, given the apparent differences between the nature and siting of the two

developments, it is not unreasonable for the Council to have come to a different view because this is a matter of planning judgment. The Council has set out its reasoning for reaching its decision in its officer report, and while I do not agree with that conclusion, the Council presented respectable evidence to support its stance and so did not act unreasonably in refusing permission.

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

SE Hughes

INSPECTOR