



Costs Decision

Site visit made on 4 March 2025

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Costs application in relation to Appeal Ref: APP/W1145/C/24/3337740 Land at Winnie's Wood (known as 'Wishtree Agrofarm'), Black Torrington, Beaworthy EX21 5JN

- 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 Ms Hayley Nass.
 - The appeal was against an enforcement notice alleging the construction of a dwelling.
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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.
3. I have not found the position that the appellant has adopted in the appeal to be correct in this case. However, given that the dwelling was said to be on site prior to the service of the previous enforcement notice, the argument presented in support of the appeal is not wholly without merit. The appeal turned on interpretation of the legislation and the application of caselaw.
4. The appellant was also entitled to question comments made by the previous Inspector, particularly as they were not made in respect of the central issue in dispute in that appeal, but rather dealt with the potential consequences of the decision. Therefore, I do not find that the appeal clearly had no prospect of success to the extent that the appellant behaved unreasonably in making the appeal.
5. Accordingly, unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not been demonstrated and the application for an award of costs is refused.

M Bale

INSPECTOR