Planning Inspectorate

# Costs Decision

Site visit made on 11 March 2025

**by J Hills MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 March 2025**

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**Costs application in relation to Appeal Ref: APP/J9497/W/24/3352543**
**Hayes Torr Storage, Sticklepath EX20 2JJ**

- 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 Andrew Webber of Hayes Torr Storage for a full award of costs against Dartmoor National Park Authority.
- The appeal was against the refusal of planning permission for erection of timber storage building to match existing on site.

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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. Awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal. In respect of procedural matters, the PPG provides examples of unreasonable behaviour which may result in an award of costs. This includes where information that is shown to be manifestly inaccurate or untrue is provided or introducing fresh and substantial evidence at a late stage necessitating extra expense for preparatory work that would not otherwise have arisen.

4. Procedurally, the applicant claims the Authority has inaccurately assessed the merits of the proposal by describing it as a new, detached building, only to later concede that it would be attached to an approved build. While the Authority unhelpfully described the proposal in different ways, it is clear from the evidence that it made its overall assessment based on the effects of extending a permitted building in the context of what surrounds it. Additionally, the application form does not explicitly refer to the proposal as an extension. The appeal could not have been avoided and would not have turned on the descriptions made by the Authority. For these reasons the Authority has not behaved unreasonably in any way and no wasted expense has been incurred.

5. The applicant says that extra expense has been caused by preparatory work to deal with the Authority’s comments in respect of alleged unauthorised buildings or operations. The applicant did however refer to the benefits associated with the proposal in tidying up the wider site, which ventured into such realms. While the

Authority did focus rather heavily on these matters in its later submissions, this does not amount to a substantial amount of evidence. Furthermore, it was not unreasonable for it to provide a background to explain why it thought the scheme was not justified.

6. Ultimately, I have agreed with the applicant and found in the main decision that much of these matters did not affect the appeal outcome. Nevertheless, any work by the applicant has been carried out in an attempt to clarify matters raised by the Authority in its officer report and expanded appeal submission, and to justify their proposal. Overall, there has been no unreasonable behaviour or wasted expense in the appeal as set out in the PPG.

*J Hills*

INSPECTOR