
Costs Decision

Site visit made on 21 March 2025

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 April 2025

Costs application in relation to Appeal Ref: APP/P1133/W/24/3356006 Pumps Acre, Greenhill Lane, Denbury TQ12 6DN

- 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 N Bryan for a partial award of costs against Teignbridge District Council.
 - The appeal was against the refusal of planning permission for outline application for the demolition of the existing holiday chalet and the construction of up to three residential dwellings, with all matters reserved except for vehicular access.
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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. The Appellant considers that the determining Planning Committee failed to follow the advice of its officer who had recommended approval of the scheme and whilst it was entitled to do so, it did without sufficient explanation. Essentially, it is suggested that the reason for refusal is vague and unsubstantiated.
4. I have considered the role of the Planning Committee and the case made by the Council to defend the first reason for refusal. The weight to be attributed to policies can evolve materially, particularly during the later stages of an examination and that appears to have been relevant in this case. The explanation made on behalf of the Planning Committee to give full weight to the development plan and not find it outweighed by material considerations such as the emerging Local Plan (eLP) could be clearer, but is not entirely absent, vague or without substantiation.
5. I have also noted the permission granted for a scheme elsewhere in the village relatively recently. It appears that that proposal was justified other than in strict accordance with the development plan on the basis of either the emerging Local Plan and/or the context of that particular site in relation to the existing settlement. The latter point has not been advanced in respect of the appeal site, with the focus being on its changing status through the eLP process. As such, I do not consider that the Council has failed to assess similar proposals in a like manner.
6. On balance in this case, despite finding in favour of the appellant on the main issue in dispute, I find that the Planning Committee, and consequently the Council, did

not behave unreasonably, either substantively or procedurally. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and a partial award of costs is not warranted.

H Nicholls

INSPECTOR