



Costs Decision

Site visit made on 26 February 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2025

Costs application in relation to Appeal Ref: APP/P1133/W/24/3355745

Land at Chipley Mill, Bickington, Newton Abbot, Devon TQ12 6JW

- 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 Teignbridge District Council for a full award of costs against Wessex College Ltd.
 - The appeal was against the refusal of planning permission for the change of use from agricultural use to education use (Class F1) in association with Greater Horseshoe School, and associated ancillary buildings and structures.
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Decision

1. The application for an award of costs is refused.

Preliminary Matters

2. The cost appeal form cited Mr Lukasz Miecznikowski as the party being claimed against and parts of the claim refer to both Mr. Miecznikowski and Alder King Planning Consultants. However, the applicant for the planning application was Wessex College Ltd. Although Mr. Miecznikowski is referenced as the appellant on the appeal form this is in his capacity in relation to the school. In the banner heading I have referred to the cost claim being against the original applicant – Wessex College Ltd.

Reasons

3. 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.
4. On the substantive grounds the applicants claim is that the appellant made unfounded and unsubstantiated claims at both the application and appeals stage without providing evidence. Evidence was submitted within the appeal in relation to the lawfulness of the buildings on the site which the Council has not been able to appropriately assess. Furthermore, the appellant arguing that the proposal is 'water compatible' rather than 'more vulnerable' was incorrect and contrary to the advice of the Environment Agency and the National Planning Policy Framework (the Framework) and the PPG.
5. On the first ground I do not find that it was unreasonable of the appellant to provide information in respect of the lawfulness of the buildings on the site. Given the nature of the information was time sensitive and could not have been provided at an earlier date. I accept that this led to the applicant having to consider additional

information however this was relevant to the wider issue, although not ultimately determinative.

6. With regard to the second issue, whilst I have agreed with the applicant that the proposed use should be considered as 'more vulnerable' the appellant was entitled to take a different view on this matter. They formed their argument on this basis, and it was reasonable for this to be 'tested' at appeal. As such I do not consider that the appeal was a "no hope" appeal and it was reasonable to assess the scheme based on the evidence provided in respect of the determination of the vulnerability classification.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

H Faulkner

INSPECTOR