



Costs Decision

Site visit made on 15 April 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 May 2025

Firm Anchor, Grenville Road, Salcombe, Devon TQ8 8BJ

Costs application in relation to Appeal Ref: APP/K1128/D/24/3351396

- 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 Jonathan Gould for a full award of costs against South Hams District Council.
 - The appeal was against the refusal of planning permission for householder application for the erection of a boat store to the front of the property.
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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 applicant claims that the council acted unreasonably and caused unnecessary and wasted expense by failing to reference a previous planning permission on the site¹ that included a proposal in the front garden in precisely the same location as the doors to the outbuilding the subject of the appeal. The applicant claims that this represents a 'fallback position' and a material consideration that was overlooked by the Council.
4. In response, the Council states that the relevant plan referred to by the applicant does not form part of the planning application and that this is clear by reason of its date post-dating the Council's decision. It further states that the plan relates to a non-material amendment that was rejected and as such it was perfectly reasonable for the officer not to consider it as relevant. Moreover, the Council state that their decision was grounded in development plan policy having regard to material considerations with a disclaimer on their website regarding the use of information.
5. In response the applicant states that they understood that the non-material amendment was approved and that if the Council had uploaded all of the relevant information to their website it would have explained its relevance. In any case, the applicant states that it would have been reasonable for the application and non-material amendment to be listed as relevant planning history.
6. In light of the confusion caused, it would have been helpful for the previous planning application and non-material amendment to have been included as relevant planning history. However, given the evidence demonstrating that the planning application related to works to the rear of the dwelling with the non-material amendment rejected, it is understandable why the Council did not consider it relevant to the proposal.

¹ 41/2343/04/F

7. Furthermore, the Council's position is evident from its officer delegated report that demonstrates that regard was had to the character of the surrounding area, site context and relevant planning policies. As such, in making its decision a planning balance was exercised by the Council having regard to adopted development plan policy and other material considerations. The planning balance was adequately explained and justified with the appeal process providing the applicant with an opportunity to challenge the Council's decision.
8. In light of the above, and despite finding in favour of the applicant in relation to the main appeal decision, I do not find that the Council acted unreasonably in not referring to the previous planning permission and non-material amendment and in reaching its decision.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Rose

INSPECTOR