



Costs Decision

Site visit made on 8 May 2025

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Costs application in relation to Appeal Ref: APP/Q1153/D/25/3361513 The Crest, Portgate, Lewdown, Devon, EX20 4PU.

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr and Mrs Vernon for a full award of costs against West Devon Borough Council.
 - The appeal was against the refusal of an application for planning permission for demolition of an existing conservatory and erection of a two-storey extension.
-

Decision

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

Reasons

2. The Planning Practice Guidance 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. For the Applicants it is alleged that the Council failed to take account of its own and national policies, was illogical and behaved unreasonably in not setting policy criteria fairly against the proposals and ignoring the report of the Applicants' heritage consultant, unfairly judging the appeal dwelling as a non-designated heritage asset (NDHA). It is claimed that much time and money has been wasted on the appeal and a full costs award is sought due to this unnecessary work and alleged 'unreasonable and outrageous' behaviour by the local planning authority. It is also noted that the planning officer agreed to a pre-application proposal for a first floor of similar scale to that proposed but then contradicted this advice in connection with the application.
4. I would first comment that any such pre-application advice is not binding and is not relevant to this costs application, which relates strictly to the appeal process. I would also make clear that the failure of the appeal has no influence on the determination of this application on its own merits.
5. As to the substance of the costs claim, I have not been provided with any rebuttal by the Council but it is clear to me, from all that I have read in relation to the appeal, that there is little or no substance in the allegations the application contains.
6. The Council provided reasoned, policy-based evidence to support its reasons for refusing the application, including a criterion-based assessment as to the status of

the appeal dwelling as a NDHA, which found preference over the submitted heritage assessment in the appeal decision. The policies cited in the refusal were all relevant to the planning issues arising in the case, as well as being consistent with national policy and practice guidance.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

B J Sims

INSPECTOR