



Costs Decision

Site visit made on 20 May 2025

by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Costs application in relation to Appeal Ref: APP/Q1153/W/24/3355575 Staddon Moor Cross Farm, Essington Road, North Tawton EX20 2DP

- 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 A King for a partial award of costs against West Devon Borough Council.
- The appeal was against the refusal of prior approval for change of use and associated operational development to create four dwellings.

Decision

1. The application for costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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. The appellant alleges that the Council has failed to justify its contention that planning conditions cannot lawfully be imposed on land outside of the application site to mitigate against habitat loss. The appellant did not seek to rely on any other legal authority or appeal decisions. The Council distinguished the scenario proposed by the appellant from the two appeal examples provided but did not seek to introduce any cases of greater relevance.
4. However, the Council's reason for refusal referred to the superseded of the Conservation of Habitats and Species Regulations from 2010 and this aspect of the case was not well founded in the first place, having promoted an old nesting roost for swallows (*Hirundo rustica*) to one of protected habitat status. Nevertheless, the matter has become complicated by the applicant's agreement with the Council on the relevance of the matter. For reasons set out in the separate appeal decision, save for aspects specifically concerning bats, I find that it is not.
5. Ultimately, that the parties were in dispute over an aspect that should not have been in contention is not an appropriate basis to find that unreasonable behaviour has been demonstrated. As such, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and a partial award of costs is therefore not warranted.

H Nicholls

INSPECTOR