



Costs Decision

Hearing opened on 18 March 2025 and resumed on 3 June 2025

Site visit made on 3 June 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Costs application in relation to Appeal Ref: APP/K1128/W/24/3355774

Brewery Quay, Island Street, Salcombe, Devon TQ8 8DP

- 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 Andrew Manning-Smith of Valentine London Ltd for a full award of costs against South Hams District Council.
 - The appeal was against the refusal of planning permission for a proposal described as 'Removal of Condition 1 (restriction of occupancy to a principal home) of planning application reference 0434/20/FUL to allow for unrestricted residential occupancy (C3) of the 4 no. units.'
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Decision

1. The application 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 PPG¹ advises that Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. This could include preventing or delaying development which should clearly be permitted, having regard to its accordance with the Development Plan, national policy and any other material considerations. Other examples include vague, generalised or inaccurate assertions about a proposal's impact, unsupported by any objective analysis; or not following well-established case law.
4. In reaching its decision, the Council concluded that the appeal development conflicted with the Development Plan, read as a whole. It sought to argue that no exception should be made to Neighbourhood Plan Policy SALC H3. However, it did so in the circumstances of the case, taking into account the marketing and viability evidence provided by the appellant. This was a reasonable exercise of planning judgement, particularly in light of the previous appeal decision². The Council therefore did not fail to comply with case law. Nor did any misunderstanding regarding 'statutory primacy' amount to unreasonable behaviour.
5. In the evidence before me, the Council did identify what it considered amounted to harm. This included the effects of the number of properties that are occupied on a

¹ Paragraph: 049 Reference ID: 16-049-20140306

² APP/K1128/W/24/3349941

non-permanent basis on the sustainability and viability of the town, and the wider impacts that unrestricted accommodation here would cause. It did not therefore make vague, generalised or inaccurate assertions about the effects of the appeal development.

Conclusion

6. For the reasons given above, unreasonable behaviour by the Council resulting in unnecessary or wasted expense has not occurred, and an award of costs is not therefore warranted.

O Marigold

INSPECTOR