



Costs Decision

Site visit made on 17 April 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Costs application in relation to Appeal Ref: APP/W1145/W/24/3355008

Five Acre, Alverdiscott Road, Bideford, Devon EX39 4PP

- 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 Andrew Hutton for a full award of costs against Torridge District Council.
 - The appeal was against the refusal of planning permission for the demolition of barn to be replaced with 1. no dwelling and detached garage in lieu of planning approval 1/1166/2023/FUL (self-build).
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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. In this instance, the applicant has alleged that the Council should not have refused a time extension to consider matters further, and that at times, the Council has acted unprofessionally. The applicant also considers that the fallback position of an extant permission was not properly assessed.
4. I acknowledge that the applicant may have been left frustrated by the engagement of the Council. However, fundamentally, Councils are required to reach a decision on applications within set timescales based on the information provided at the time. It appears to me that the Council has considered the matters at hand and has clearly set out the reasons for refusal, including referring to the relevant development plan policies. I acknowledge that I have dealt with the fallback position in a slightly different manner to the Council. However, the Council's approach is not necessarily unreasonable in my view, and in any event, it seems to me that an appeal was inevitable given that I have agreed with the majority of the Council's reasons for refusal.
5. With this in mind, I consider that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Butcher

INSPECTOR