



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/24/3355007

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 a 5m extension is proposed to the west elevation replacing a 6m larger extension in one dimension. The roof is to be removed and replaced with a first floor. Increase curtilage to enable access and larger garden. Block up existing vehicular access with trees and shrubs to remove the view of the house from the road. Utilise the 2nd access in the north boundary to the far west of the plot to improve safety.
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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 set out that they consider that the Council has acted unreasonably throughout the planning process for this scheme. In particular, among other things, they allege that the Council did not respond to questions, pre-judged the application before conducting a site visit, and generally failed to act proactively and positively in the application process.
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 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. Furthermore, I have agreed with the Council that the issue of foul drainage should not be dealt with via condition.
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