



Costs Decision

Site visit made on 20 May 2025

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2025

Costs application in relation to Appeal Ref: APP/Q1153/W/24/3353465

Land to rear of Abbeyspring, Down Park Drive, Tavistock, Devon PL19 9AH

- 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 M.Greening and Mr and Mrs Campbell for a full award of costs against West Devon Borough Council.
 - The appeal was against the refusal of planning permission for the construction of two new dwellings.
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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. Whilst the appellants seek a full award of costs against the Council, their grounds for doing so focus solely on the third reason for refusal and the costs of providing an Arboricultural appeal statement.
4. The Council assessed the impact of the proposed development on the trees on the site using the Tree Survey and Constraints Plan submitted with the planning application. It was not unreasonable for the Council to use that information to inform its assessment of the proposed development.
5. The evidence indicates that the appellants amended their previous categorisation of the lime tree, labelled T5 on the Tree Survey and Constraints Plan, in the Arboricultural appeal statement submitted with the appeal. The Council's Tree Officer relied on a desk top assessment of the proposals but had knowledge of the site from previous pre-application discussions. In these circumstances, the officer did not act unreasonably in not carrying out their own site visit to corroborate whether the appellants had correctly categorised the quality of the trees. Whilst the Council may have been able to review the categorisation of the tree itself earlier in the appeal process, it did not act unreasonably in not doing so.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Kent

INSPECTOR