
Costs Decision

Site visit made on 7 July 2025

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 August 2025

Costs application in relation to Appeal Ref: APP/J9497/W/25/3362548 Bickham Farm, Yelverton, Plymouth PL6 7BJ

- 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 Maristow Farms for a full award of costs against Dartmoor National Park Authority.
 - The appeal was against the refusal of planning permission for proposed siting of an earth bank lined slurry lagoon.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 applicant alleges that the Council has behaved unreasonably on the substantive merits of the case in view of the conflicting reason for refusal and lack of identified harm and policy conflict arising from the proposal. It is alleged that the Authority's refusal is vague, generalised and has not been supported by any objective analysis.
4. The proposal is one for a cross boundary development and the operational development lies within the adjoining borough of West Devon. The initial section of the existing access track is within the Dartmoor National Park (DNP). The Authority's assessment of the proposal appears to indicate that the use of the existing track for purposes associated with the slurry lagoon would not harm the special qualities of the DNP and would be unobjectionable in itself. The analysis points more towards the Authority's desire to coordinate with the decision made by West Devon Borough Council, despite not having delegated its decision-making powers.
5. Whilst I have not found that the development should have otherwise been permitted, I find that the reason for the Authority's refusal is vague, unsubstantiated and inaccurate. Though the desire to coordinate the outcomes of both applications is understandable, the Authority's approach has complicated the process and added expense to an appeal that would have at least been simpler if it had been prepared in response to a clearer and more justifiable reason for refusal.

6. As such, my view is that though the appeal may not have been avoidable given the direct relationship between it and linked Appeal A¹, the basis on which the appeal had to be prepared has created some confusion and inevitably added wasted time to the process. I note that the costs application has been made seeking a full award of costs. However, as the appeal was not entirely avoidable, it is the particular circumstances of the vague and unsubstantiated case to which the applicant has had to respond that amount to unreasonable behaviour on the part of the Authority. As such, I consider it fair to award partial costs for the expense incurred in reviewing the case and preparing the appeal statement and costs application correspondence for submission with the appeal.
7. For the reasons given above, unreasonable behaviour resulting in unnecessary expense has occurred and a partial award of costs is therefore warranted.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Dartmoor National Park Authority shall pay to Maristow Farms, the costs of the appeal proceedings described in paragraph 6 above; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to Dartmoor National Park Authority, to which a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

H Nicholls

INSPECTOR

¹ APP/Q1153/W/25/3362551