
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/Q1153/W/25/3362551 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 West Devon Borough Council.
 - 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 refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance 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 application for costs is made on the basis of alleged unreasonableness of a procedural and substantive nature on the part of the Council. In respect of procedural unreasonableness, the applicant alleges that the Council was unwilling to engage in proactive discussions or to accept further information during the processing of the application which could have resulted in fewer, or at least narrower areas of dispute.
4. It is also highlighted that the application was validated without evidence pertaining to some technical aspects. On the Council's subsequent identification of these deficiencies in the submission, it declined to accept further information. The applicant indicates that this was unfair and unavoidable, particularly given that an earlier application had to be withdrawn on a technicality and is not without fault on the part of the Council.
5. Though the applicant's disappointment in the rigidity of the process is understandable, the targets for the determination of applications are not self-imposed by the Council and if an application is made, its assessment and determination should not come as a surprise. I do not have the specific details of the Council's Planning Charter, but if it promotes the consideration of the applications largely as made, then this suggests that frontloading the process would be beneficial. One means of doing this is to utilise the pre-application service to highlight particular validation requirements or policy considerations of which an applicant may not be fully aware prior to the submission of a formal application. In this case, no pre-application advice was obtained from the Council.

6. It does not appear that the application was made invalid due to a lack of detail on surface water drainage or carbon reduction measures. There may have been benefits to such details having been submitted with the original submission. However, they have not proven determinative for the case.
7. My overall decision finds in favour of the Council, though not on all issues. Having reached a balanced view, I find that only the matter of surface water drainage would have been resolvable by condition but I can also understand the position adopted by the Council on the basis of the limited and inconclusive nature of the submitted evidence on this aspect.
8. As such, for the reasons outlined in my separate decision, I have not found that the Council has prevented or delayed development which should have clearly been permitted by reason of its accordance with the development plan, national policy and any other material considerations, nor do I consider that it has behaved unreasonably on the basis of its procedural handling of the case.

Conclusion

9. For the reasons outlined, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Nicholls

INSPECTOR