



Costs Decision

Site visit made on 7 July 2025

by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2025

Costs application in relation to Appeal Ref: APP/Q1153/W/25/3359861 Development Site At Sx 571 979, Folly Gate

- 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 Belfield Developments Ltd for a full award of costs against West Devon Borough Council.
 - The appeal was against the refusal of details pursuant to condition No 1 of planning permission reference APP/Q1153/W/21/3273815, granted on appeal on 27 September 2021, relating to the construction of 10 new houses (6 affordable, 4 open market). The details for which approval was sought were: access, appearance, landscaping, layout & scale.
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Decision

1. The application for 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. The applicant alleges that an award of costs is justified on both procedural grounds relating to the Council's processes and relating to the substance of the matter under appeal. The procedural unreasonableness is alleged to result from the Council's refusal to accept amended plans during the consideration of the appeal proposal and resistance to extending the time limit for determination or entering into a planning performance agreement.
4. The substantive unreasonable behaviour is alleged to result from the lack of substantiation of the grounds of refusal on the housing mix contribution, the reference to a policy without explanation (Policy TTV26 of the Plymouth and South West Devon Joint Local Plan) and a lack of clarity on other areas of alleged policy conflict. The applicant underscores that the appeal was entirely avoidable and that the delays have had negative consequences of a commercial nature.
5. The Council's response outlines that the amended plans contained material changes such that their acceptance, contrary to the advice in its Planning Customer Charter, was not considered appropriate. Furthermore, had the plans been accepted, they would not have overcome the reasons for which the scheme had been found unacceptable. On this basis, the Council consider that an appeal was unavoidable.
6. I note that the outline permission expired during the consideration of the reserved matters application. However, the application was only made about three months

before the expiration date and this lack of forward planning is also a contributory factor. On this point I agree with the Council that the delays are largely on the part of the applicant not having used a pre-application service or allowed sufficient time to submit multiple applications in the event of a refusal of permission. As such, given the Council's stance on the acceptance of plans during the course of consideration of applications as detailed in its Planning Customer Charter, I do not consider that the Council has behaved unreasonably by declining the requests for time extensions and/or planning performance agreements.

7. Ultimately, I have disagreed with the Council on the substance of most of the plans and information submitted by the applicant at appeal stage. I have also found in favour of the applicant on the substantive case for allowing the appeal as outlined in my separate decision, however, this was a balanced decision which does not support the applicant's position of the appeal having been entirely avoidable. I have found the Council's position to be clear and sufficiently evidenced in all respects.

Conclusion

8. For the above reasons, I do not find that procedural or substantive unreasonable behaviour has been demonstrated and neither a full or partial award of costs is justified.

H Nicholls

INSPECTOR