



Costs Decision

Site visit made on 17 June 2025

by **R Kent BA (Hons) MTP DipM MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 August 2025

Costs application in relation to Appeal Ref: APP/U1105/W/25/3361026 Halls Farm, Road From Higher Metcombe to Metcombe Rise, Metcombe, Ottery St. Mary, Devon EX11 1SS

- 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 Ben Smith for a full award of costs against East Devon District Council.
 - The appeal was against the refusal of planning permission for conversion of an agricultural building to two dwellings and associated landscaping, and the demolition of agricultural buildings.
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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 Council refused the planning application on 19 December 2024 after the revised National Planning Policy Framework (the Framework) was published on 12 December 2024.
4. Whilst the effect of the revised Framework on its housing policies was a material consideration which should have been taken into account in the Council's decision, it took the Council until 17th December to calculate and confirm its revised housing land supply figure. This is reflected in the minutes of the meeting of the Planning Committee held on 17 December 2024 which shows that as a result of the revised Framework, it could only demonstrate 2.97 years' housing land supply.
5. Notwithstanding this, the Council's Statement of Case confirmed the revised housing land supply figure and accepted that paragraph 11d) of the Framework was now engaged. It also undertook a balancing exercise as required by paragraph 11d) ii. of the Framework. Having carried out that exercise, it maintained its reasons for refusal and submitted evidence to defend them taking into account the revised Framework.
6. Whilst the Council should have had full regard to the revised Framework before it made its decision, taking into account the *Green Lane* judgement¹, it is clear from the Council's Statement of Case that its decision would have been the same. On this basis, it is evident that had the Council taken the revised Framework into

¹ Green Lane Chertsey Ltd v SSHCLG [2019] EWHC 990 (Admin)

account before it made its decision on the planning application, it would still have refused planning permission.

7. I am therefore satisfied that despite the Council's failure to apply paragraph 11d) of the revised Framework in making its decision on the planning application, the appellant would still have had to spend time preparing for and pursuing the appeal.

Conclusion

8. Unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Kent

INSPECTOR