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## Costs Decision

Site visit made on 19 August 2025

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2025

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### Costs application in relation to Appeal Ref: APP/W1145/W/25/3362449

#### Land at Raleigh Hill, Northam, Bideford, Devon EX39 3NX

- 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 Darren Haime for a partial award of costs against Torridge District Council.
  - The appeal was against the refusal of the Council to grant planning permission for proposed dwelling.
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### Decision

1. The application for a partial 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. Awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal. In respect of substantive matters, the PPG provides examples of unreasonable behaviour which may result in an award of costs. This includes failure to produce evidence to substantiate each reason for refusal on appeal; or vague, generalised, or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant says that the Council mishandled its determination of the proposal in a number of areas. They claim no ecology report was requested despite this forming a reason for refusal. However, the evidence shows that such a request was made during the application process, and the matter was comprehensively covered in the officer report. As such, no unreasonable behaviour has been shown.
5. While the lack of drainage information did not form a recommended reason for refusal, the officer report identified with clarity that the removal of trees and the bank could create problems with water run-off. Some of the evidence produced at the planning committee was anecdotal, at best, though it did follow conclusions made by a previous inspector for a larger development. This is not unreasonable behaviour. Additionally, the appeal site is in a Critical Drainage Area, and in accordance with LP Policy ST03, the Council's overall cautious position on drainage has been objectively analysed. This matter would not have come as a total surprise to the applicant.

6. The opportunity to counter this refusal reason was available at the appeal but evidence provided was very limited. The appeal was inevitable for other reasons, and I do not find that there has been any wasted expense.
7. With respect to highways matters, the Council's committee provided objective analysis of the situation as experienced by them, on the ground. This includes the challenged accuracy of the speed test measurements and use of the road as a diversion during main road closures. I acknowledge the costs involved in producing such supporting documentation, though this was evidently necessary prior to the appeal. Although I have ultimately agreed with the applicant that the scheme would not cause harm to highway safety, there has been no unreasonable behaviour or wasted expense in this regard.
8. Overall, I conclude that there has been no unreasonable behaviour or wasted expense in the appeal as set out in the PPG.

*J Hills*

INSPECTOR