



Costs Decision

Site visit made on 2 September 2025

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2025

Costs application in relation to Appeal Ref: APP/P1133/W/25/3368931

- Tracey House Retirement Home, Haytor Road, Bovey Tracey, Devon TQ13 9LE
 - 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 and Mrs Zakrzewski for a full award of costs against Teignbridge District Council.
 - The appeal was against the refusal of planning permission for change of use from residential institution (Class C2) to 6 holiday lets.
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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 (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: preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; acting contrary to, or not following, well-established case law; failure to produce evidence to substantiate each reason for refusal on appeal, and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant claims that the Council behaved unreasonably on a number of grounds. Firstly, they say that members of the planning committee prevented a development that should clearly be permitted by providing no substantive evidence, including data, to show conflict with local or emerging policies. The evidence shows however that amongst other things, members queried the supporting information on need, and whether or not there was a sufficient choice and amount of accommodation for elderly residents in the area. These are all matters relevant to the Council's development plan policies. Notwithstanding officer recommendations to the contrary, I have agreed with the Council's decision that the scheme does not accord with the development plan and there has consequently been no unreasonable behaviour in this respect.

5. The decision not to follow an officer recommendation is not a reason in the PPG why costs should be awarded. The advice provided by the Council's solicitor merely highlights potential future risks in the event of an appeal. It was decided to proceed following this advice and I find no unreasonable behaviour here.
6. It is claimed the reason for refusal is vague and not substantiated. However, the Council has provided a detailed submission as to why it considered the scheme did not accord with the development plan. The applicant says that the Council offered no counter evidence in respect of viability, market demand, or a continuing need. Be that as it may, on this particular matter, the onus is on the applicant to demonstrate why their scheme accords with development plan policies. The reason for refusal is clear and substantiated in the terms set out in the PPG.
7. In other respects, the scheme has not been unnecessarily delayed. Moreover, support by consultees for matters not in dispute such as biodiversity, highways, and living conditions has evidently not been ignored.
8. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Hills

INSPECTOR