
Costs Decision

Site visit made on 2 September 2025

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2025

Costs application in relation to Appeal Ref: APP/J9497/W/25/3361953 Dunsford Reservoir, Fulford Lane, Dunsford

- 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 Stephen Rowe for a full award of costs against Dartmoor National Park Authority.
 - The appeal was against the refusal to grant technical details consent for conversion of a redundant reservoir to low energy dwelling.
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Decision

1. The application for a partial award of costs is allowed in the terms set out below.

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 persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable; refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage; and requiring that the appellant enter into a planning obligation which does not accord with the law or relevant national policy in the National Planning Policy Framework (the Framework).
4. The applicant says that 2 of the policies the Authority relied upon in its reason for refusal concerned strategic housing which could not be complied with. I agree. The appropriateness or otherwise of affordable housing contributions or local occupancy restrictions form part of the Authority's housing strategy. In that context, the previous inspector's justification for allowing the Permission in Principle at this site was on the basis that other material considerations set out in the Framework outweighed the policy conflict.
5. I acknowledge that conditions or obligations to control development cannot be secured at the Planning in Principle stage. Additionally, I have noted in the main decision that although development plan policies apply to the Technical Detail stage, reliance upon them must, as a consequence, relate to the remaining detailed matters only. While the PPG above refers to outline applications, a similar scenario

has played out where the Authority has repeated concerns relating to matters of principle that have already been dealt with. This is unreasonable behaviour. The applicant has needed to respond to this matter in the appeal in their written submissions, which amounts to a wasted expense.

6. The evidence shows that the applicant was encouraged to provide a mechanism to secure a financial contribution towards affordable housing and an occupancy restriction. Again, the principle of development had already been established and in these particular circumstances, there is no substantive evidence of a local or national policy justification for such requirements. The applicant was left with very little option but to proceed with an obligation at the appeal to attempt to overcome the Authority's concerns. The behaviour of the Authority is unreasonable in this regard and wasted expense has been incurred as a result.
7. I do not agree with the applicant that the appeal was unavoidable. For the reasons set out in my main decision, the size of the proposal is a detailed matter that is within the scope of consideration. While the timing of the Authority's concern on this matter was undoubtedly most inconvenient for the applicant, it nevertheless set out clear reasoning in relation to it. Ultimately, I have agreed with the applicant on this matter, but any unreasonable behaviour has not led to wasted expense.
8. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in the appeal process in respect of submissions relating to Strategic policies 1.3 and 3.1 of the Dartmoor Local Plan and the preparation of the Unilateral Undertaking at the appeal stage, but not in respect of the size of the proposal. Consequently, a partial award of costs is therefore warranted.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Dartmoor National Park Authority shall pay to Steve Rowe the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in connection with matters relating to Strategic policies 1.3 and 3.1 of the Dartmoor Local Plan and the preparation of the Unilateral Undertaking at the appeal stage; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to Dartmoor National Park Authority, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

J Hills

INSPECTOR