



Costs Decision

Site visit made on 4 September 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 September 2025

Costs application in relation to Appeal Ref: APP/P1133/W/25/3362238 Westlake Farm, Road from Broadoak to Cofford Cottages, Kenton, Devon, EX6 8HS

- 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 JMS Construction (West) Ltd for a full award of costs against Teignbridge District Council.
 - The appeal was against the refusal of planning permission for the demolition of barns to create five new dwellinghouses, following grant of Class Q Prior Approval (ref. 21/02670/NPA).
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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. In this instance, the applicant considers that the Council did not engage positively in discussions, did not consider additional material provided, and refused an application that could have been acceptable if appropriate conditions were imposed. However, the Council has provided evidence that they engaged with the applicant during the application process. Moreover, it seems clear that the additional material was acknowledged. It is also clear that the Council's concerns went beyond materials used and so the harm they identified could not be mitigated by condition. As part of my decision, I have also found harm and have agreed with many of the Council's conclusions. As such, an appeal was always inevitable.
4. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Butcher

INSPECTOR