



Costs Decision

Site visit made on 9 July 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 October 2025

Costs application in relation to Appeal Ref: APP/P1133/W/25/3363837 Higher Colleybrook Farm, Ideford, Chudleigh, Devon TQ13 0BG

- 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 Ms Jean Burman for a full award of costs against Teignbridge District Council.
 - The appeal was against the refusal of planning permission for the construction of dwelling and associated works together with provision of a car port.
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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. The PPG sets out that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by making vague, generalised or inaccurate assertions about a proposal's impact.
4. The Council substantiated their concerns with regards to the appropriateness of the design and scale of the gates and posts, albeit briefly. Whilst I have come to a different conclusion, I find that the Council's case is sufficiently detailed and refers to general design policy.
5. The lack of objection raised during a site meeting by a Council Officer prior to the completion of the gateposts and gates is not a formal determination of the proposal, particularly as the Council set out that the purpose of the meeting was to assess a separate application for the retention of various outbuildings.
6. Whilst this particular issue was not raised prior to determination, given the retrospective nature of the proposal, a lack of suggested alterations is not unreasonable. The lack of objection from the Parish Council is not determinative. No appeal against non-determination was submitted, and the length of time it took to determine the application did not incur unnecessary or wasted expense in the appeal process.
7. It has not therefore been demonstrated that the applicant's time and expense in defending the reason for refusal was not necessary and has resulted in unnecessary or wasted expense on their behalf.

Conclusion

8. I conclude that unreasonable behaviour, either procedural or substantive, resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for an award of costs is therefore refused.

B Phillips

INSPECTOR