



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: 24th October 2025

Costs application in relation to Appeal Ref: APP/P1133/W/25/3364984 West Wheatley Farm, Westwood Lane, Longdown, Devon, EX6 7RX

- 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 M Herbert for a full award of costs against Teignbridge District Council.
 - The appeal was against the refusal of planning permission for the retention of a dwelling.
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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 has set out that the Council incorrectly concluded that the previous grant of prior approval to convert the agricultural barn had 'fallen away' as a result of the failure to adhere to the condition that stipulated a three-year timescale for the completion of the works. Furthermore, they argue that the Council did not consider when the change of use had actually occurred and had also dismissed the possibility of the applicant applying to vary the timescale condition.
4. In my view, the Council was correct to assert that the barn conversion was not completed within the necessary three year period. As I set out in the appeal decision, the consideration of when the building became a habitable dwelling after that point does not change that fact. I acknowledge that the prior approval has not 'fallen away'. However, I have also set out in my appeal decision that the possibility of applying to vary the timescale condition, and therefore complete the conversion works, is uncertain and therefore the fallback attracts very limited weight. As such, while the Council may have erred in their understanding of the position, the outcome is essentially the same and an appeal was always inevitable.
5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Butcher

INSPECTOR