
Costs Decision

Site visit made on 29 September 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 October 2025

Costs application in relation to Appeal Ref: APP/U1105/W/25/3369422 Salcombe Regis Camping and Caravan Park, Salcombe Regis, Sidmouth EX10 0JH

- 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 Salcombe Regis Park Limited for a full award of costs against East Devon District Council.
 - The appeal was against the grant subject to conditions of planning permission for retention of caravans during 4 winter months on existing bases.
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Decision

1. The application for an 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. The applicant alleges that the Council has acted unreasonably on both substantive and procedural grounds in relation to the imposition of Condition (2) when granting planning permission 22/2174/VAR. In doing so, it is alleged that the Council failed to properly exercise their development management duties, failed to communicate with the appellant when advised to do so and, in the words of the appellant, refused the planning application for reasons that have not stood up to reasonable scrutiny. As such it is contended that the applicant has incurred wasted expense by having to submit an appeal.
4. It should be noted, that despite the applicants wording in their costs application, the Council did not refuse planning permission but granted permission subject to conditions. The condition subject to the appeal related to an occupancy restriction to ensure that caravan accommodation would be occupied for holiday accommodation only and not as a person's sole, or main place of residence.
5. However, the condition also included a further restriction in that no individual shall stay/reside within the site for more than 25 weeks in any 12-month period (the '25-week restriction'). Whilst the requirement for an occupancy condition is not in dispute, it is the imposition of this 25-week restriction which is the subject of my main appeal decision, and this costs application.
6. Unreasonable behaviour on the part of a Council may include failure to produce evidence to substantiate a reason for refusal, relying on vague, generalised or

inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. It could also include imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the PPG and National Planning Policy Framework (the Framework).

7. The Council considers that the condition is necessary, and the 25-week restriction is simply ancillary to the understanding of the principal purpose of the condition and is not purposely more restrictive in a manner that could be read as in conflict with it. Notwithstanding, as can be seen from my main decision, I have found that the 25-week restriction is not required to make the development acceptable, and therefore not necessary or reasonable, and the condition as a whole unenforceable and does not comply with the PPG and the Framework.
8. Moreover, the Council have imposed an occupancy condition without the 25-week restriction on another later planning permission at the same camping and caravan park, as well as at other caravan sites in the district that have been brought to my attention. This is despite the reason for the condition remaining similar to that the subject of the appeal. The matter of consistency is important in the planning process, and it is reasonable that applicants should expect like material matters to be decided in a like manner. No substantive explanation has been provided as to why the proposal before me differs in that a 25-week restriction was necessary.
9. The Framework states that agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. In this instance, the correspondence before me indicates that there was a continued dialogue between the Council and the applicant, and indeed a condition, omitting the 25-week restriction is recommended in the Council's Officer Report (OR). The Council are not obliged to advise an applicant of the wording of conditions ahead of issuing a formal decision notice and it appears that said condition was amended following a Councillor delegation meeting. Nevertheless, there is no commentary within the OR and the Council failed to substantiate why the 25-week restriction was deemed necessary, given the reason for the condition.
10. Due to the nature of the proposal, the condition as currently worded fails the required tests, and it is unreasonable to impose it. Therefore, I conclude that by imposing a condition that was not wholly necessary or reasonable, the Council's behaviour has been unreasonable in this respect. This has resulted in unnecessary expense given that the appeal could've been avoided had the condition in the form imposed by the Council never been imposed.
11. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

12. 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 East Devon District Council shall pay to Salcombe Regis Park Limited, the costs of the appeal proceedings described in the heading of this decision, such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to East Devon District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

S Harrington

INSPECTOR