
Costs Decision

Site visit made on 10 September 2025

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2025

Costs application in relation to Appeal Ref: APP/U1105/W/25/3364929

Land adjacent Upper Spilsby, Exeter Road, Ottery St Mary EX11 1LE

- 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 Tim and Libby Read for a full award of costs against East Devon District Council.
 - The appeal was against the refusal of the Council to planning permission for construction of a new dwelling and associated landscaping.
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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. Paragraph 84 of the National Planning Policy Framework (the Framework) sets out the circumstances when the development of isolated homes in the countryside might be acceptable. Paragraph 84 e) sets out the parameters which must be met for a design to be considered to be of exceptional quality. This is a high bar. Whilst the Council's planning officers considered the bar had been met and, as a result, recommended to the Planning Committee that planning permission be granted, the Committee is not bound to accept the officers' recommendation.
4. The officers' report to the Committee set out the design review process which had been undertaken including the conclusions of the Design Review Panel. Whilst the Planning Committee did not concur with the panel's conclusions, it is clear from the Council's statement of case that the Council had had regard to the recommendations made by the panel.
5. The Council's statement of case explains why the Committee considered that the proposal did not meet the requirements of paragraph 84 e) and why it did not grant planning permission. It makes a number of specific points about the internal and external design of the building and its effect on its immediate setting. These included concerns about the scale of the 'port cochere,' the design and sustainability of the entrance hall and the relevance of the tumbling weir in Ottery St Mary.
6. Whilst I have concluded that the appeal should be allowed, I am satisfied that the Council has provided enough information to explain why it considered that the

scheme did not comply with paragraph 84 e). Whilst its conclusions conflicted with those of the Design Review Panel, the explanation in the Council's statement of case provides sufficient detail to amount to more than vague or generalised assertions.

7. As it decided that the proposal did not meet the high bar set by paragraph 84 e), it was not unreasonable for the Council to conclude that the scheme failed to comply with the relevant development plan policies controlling isolated residential development in the countryside. It provided evidence to substantiate its reasons for this including the distance to the nearest settlements, the nature of the roads, and the absence of bus stops.
8. Whilst I have seen no sound evidence to demonstrate that the landscape design would need to be amended as a result of the required Wildlife Management Plan, I am not convinced that the Council behaved unreasonably in raising this issue. Even though the Wildlife Management Plan is capable of being dealt by a planning condition, this issue appears to have formed only a small part of the applicants' overall case. Nor have the applicants clearly demonstrated, as required by the PPG, how the Council's second reason for refusal has resulted in them incurring unnecessary or wasted expense.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Kent

INSPECTOR