



Costs Decision

Site visit made on 6 August 2025 by N Manley BA (Hons) MSc

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Costs application in relation to Appeal Ref: APP/K1128/D/25/3367472

Sundowners, Herbert Road, Salcombe, Devon TQ8 8HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Chadwick against the decision of South Hams District Council.
 - The application Ref is 4075/24/HHO.
 - The development proposed is described as the “use of existing extension as incidental/ancillary annexe.”
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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 examples of types of behaviour which may give rise to an award of costs against a Council. These include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. The applicants contend that the Council behaved unreasonably by failing to approve a development which they consider complied with planning policy.
4. However, the Decision Notice identifies where the Council considered there to be conflict with the development plan. These concerns are further articulated and substantiated within the Case Officer's report, which sets out the Council's rationale for their reasoning. I am therefore satisfied that the Council's position was grounded in relevant development plan policies and supported by material considerations, explaining their position as to why the development conflicted with local policy.
5. The PPG also makes clear that costs should not be awarded where a local planning authority has exercised its duty to determine applications in a reasonable manner, or where it has refused a proposal not in accordance with the development plan and no material considerations indicate otherwise.
6. Whilst the Council could have expanded into further detail on some aspects of their reasoning, ultimately the issues raised are matters of planning judgement. Even if I had reached a different overall conclusion to the Council, it would not have followed that the refusal was unreasonable. Mere disagreement with the Council's interpretation of policy does not equate to unreasonable behaviour.

7. Overall, I find the Council adequately assessed the proposal and explained its concerns in the case officer report, with reference to adopted policy and guidance. I therefore find that unreasonable behaviour resulting in unnecessary wasted expenses, as described in the PPG, has not been demonstrated. An award of costs is therefore not warranted.

N Manley

APPEAL PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and my representative's recommendation and, on that basis, I too agree and conclude that the applicants have failed to demonstrate unreasonable behaviour resulting in unnecessary expense as described in the PPG. The application for costs is therefore refused.

S Edwards

INSPECTOR