
Costs Decision

Site visit made on 11 June 2025

by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Costs application in relation to Appeal Ref: APP/P1133/W/24/3354578

Land At NGR 282175 76309, Newton Road, Bovey Tracey, Devon, TQ13 9DU

- 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 Mrs L Stoneman for a full award of costs against Teignbridge District Council.
 - The appeal was against the refusal of planning permission for development described as *'the use of a small portion of land at Newton Road, Bovey Tracey for gypsy pitches. It is suggested that it could accommodate up to 9 families. The application also comprises associated works including improved access, the provision of services and utilities and proposes an overall Landscape Management Plan for the wider site, including replanting and enhancing the remainder through increased tree cover and biodiversity. The proposal is policy compliant and in line with national policy guidelines for Gypsy Sites. The application is supported by a range of accompanying studies which demonstrate the suitability of the site for the proposed use'*.
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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 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 made vague, generalised and inaccurate assertions about the proposal's impact, which are unsupported by the officer report, and which were subsequently not adequately substantiated during the appeal. This conduct has delayed development which should have been permitted particularly given the serious shortfall of gypsy and traveller pitches within the Council area.
4. In my view this is not well founded. The officer report contains substantive criticism of the applicant's biodiversity evidence relating to both the accuracy of the baseline and the feasibility of delivery. These criticisms were not fully addressed by the applicant, who focused more on the timing of the Council's concerns. The Council's case relating to the SAC was significantly amplified at the appeal with a thorough shadow appropriate assessment. Its case was consistent with the requirement for biodiversity gains set out clearly in the BPNP, and the TLP's general approach to sites of biodiversity value, regardless of their status as a CWS or otherwise.
5. The applicant also refers to the latest wording of Paragraph 11 of the Framework, and its use of the word 'strong', which was not extant when permission was refused, but was then fully addressed by the Council at the appeal. Where the balance of considerations fall is ultimately a matter of planning judgment.

6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Matthew Jones

INSPECTOR