
Costs Decision

Site visit made on 12 November 2025

by **H Faulkner BSc (Hons) MSc PGCE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Costs application in relation to Appeal Ref: APP/K1128/W/25/3370666 Fairhaven, Sandhills Road, Salcombe, Devon, TQ8 8JP

- 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 Christine Cottle for a full award of costs against South Hams District Council.
 - The appeal was against the refusal of planning permission for the erection of a single 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. Unreasonable behaviour on the part of a local planning authority may 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, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
4. On the substantive grounds the applicant's claim is that the Council acted unreasonably in the following ways: that the refusal was based on speculative and premature grounds, previously established site principles were disregarded and the Council were influenced by unaddressed misinformation. On procedural grounds that the Council did not engage proactively and that key rebuttals and applications were not published.
5. On the substantive ground that the refusal lacked robust, objective analysis and were based on speculative assumptions I do not find that the Council acted unreasonably. Even as an outline application the layout of the building formed part of the proposal, therefore it was reasonable for the Council to consider that such a building would have some form to it which could impact the landscape and the trees.
6. The Council did not speculate on the design of the proposed building and it was possible to reach its conclusions based on the siting alone, as I have done in my decision. Further to this the Council could only give limited weight to outstanding or innovative design as such details were not before it at this stage.

7. Furthermore, I find no evidence that the Council ignored or misrepresented any technical evidence. The Landscape Impact Statement and Tree Survey are referenced in the officer report and form part of the Councils assessment. While there is no specific reference to the ecology report this did not form part of the reasons for refusal.
8. The Council's reasons for refusal were clear and the officer report assessed the impact of the proposal.
9. The refusal reasons include policies from the Plymouth and South West Devon Joint Local Plan and the Salcombe Neighbourhood Development Plan as well as the National Planning Policy Framework. The officer report assesses the scheme against these policies and considered the findings of the previous appeal decision on the adjacent site. I find no evidence that outdated or irrelevant issues were relied upon.
10. The appeal decision addresses the impact on the trees. The applicant draws attention to an appeal on Coldharbour Lane, Surrey¹ as explained in the decision this is not a comparable proposal and the Inspector in that case did not reach a finding on the trees as the matter was withdrawn before the appeal.
11. Details are provided of a social media campaign which took place during the application process. Having reviewed the information I accept that this could have been misleading. However, the Council's decision whilst taking into consideration the views of the public was based on the plans and information submitted as part of the application. It is clear from reading the officer report that the Council understood the proposals and that it had not based its decision on the information shared on social media. Even if the Council did not publicly correct the social media position, this would not have a bearing on the need for this appeal.
12. With regards to what information was included on the Council's website, the PPG at paragraph 063 states that subject to meeting the requirements of article 40 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 it is for local planning authorities to decide what information they include on the planning register which includes its website.
13. I acknowledge that publishing additional information, such as rebuttals, on the Council's website could have offered some benefit. However, there is no evidence before me to suggest that making this information public would have influenced the Council's assessment of the proposals. The absence of these documents did not affect the outcome of the application, nor was the Council required to publish them. I am satisfied that the Council reviewed and considered all relevant information provided. The decision clearly stated that the proposals conflicted with the development plan and that the application was to be refused. Consequently, the appeal was unavoidable, and I do not find there was any unnecessary or wasted expense as a result.
14. In respect of the procedural matters the PPG is clear that parties are expected to behave reasonably through the planning process. It states that while costs cannot be claimed for the period during the determination of the planning application the behaviour during this time can be taken into account.

¹ APP/YB3600/A/11/2166561

15. In terms of engaging with the application there is evidence of communication between the Council and the applicant. The Council engaged with the application carrying out appropriate consultations. From the correspondence provided I can see that the Council communicated in a timely manner. In the email of 9 April 2025, well in advance of the determination date, the Planning Officer outlined the reasons why the application could not be supported and offered the applicant to withdraw the submission.
16. The cost decision at Sowerby Bridge² relates to an appeal which was considering the non-determination of an application. The decision references a lack of correspondence from the Council which is not the case here. The decision also relates to the failure of the Council to upload plans to address a visibility splay which the Council's highway officer was unable to see. I am satisfied that for this application sufficient necessary information was available to the various consultees and the case officer to enable them to determine the application appropriately.
17. The Council clearly explained its reasoning within its correspondence, including the response to the email sent on 9 April 2025, providing further clarification on its conclusions. While the applicant may have preferred a meeting to discuss the scheme, the Council was under no obligation to arrange one. Although the applicant may have disagreed with these responses, the Council's actions were not unreasonable.
18. Overall, taking all the above into consideration, I conclude that unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is therefore not justified.

H Faulkner

INSPECTOR

² APP/A4710/W/23/3316189