



Costs Decision

Site visit made on 26 November 2025

by R Curnow MA(TCP), BSC(Hons), CMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Costs application in relation to Appeal Ref: APP/J9497/C/24/3353701 Land Northwest of the Old Station, Horrabridge, PL20 7RQ

- The application is made under the Town and Country Planning Act 1990 ('TCPA 1990'), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Kevin Shadrack for a full award of costs against Dartmoor National Park Authority.
 - The appeal was against the refusal of the Council to refuse an application for prior approval for the erection of storage building for forestry
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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 application for a full award of costs is made by Mr Kevin Shadrack against the Dartmoor National Park Authority ('NPA'). He cites the following as unreasonable behaviour on the part of the NPA: its assessment was contradictory; it took policy considerations into account and recited policy constraints in a case concerning permitted development ('PD') rights; and failed to demonstrate that its conclusions were based on sound principles.
4. The basis of the NPA's response is that it exercised its powers and procedural duties correctly.
5. The NPA's position, in the conclusion of its Statement of Case ('SoC'), that the land is not forestry land did not contradict its earlier comment that some limited works to trees had occurred on the land and that certain further works might be undertaken. In the absence of a formal definition of forestry land in the GPDO, it used a definition in the TCPA 1990. As that related to the power to impose conditions following operations in the winning and working of minerals, I found it to be irrelevant.
6. However, that was only part of the NPA's case on this matter. It also made the case that the land was simply too small to be classed as being used for forestry purposes. Although I did not agree with it on this point, I find that the judgement that the NPA made was not unreasonable given the very limited area of woodland.

7. Where an area of land has trees on it that might need to be maintained, or the planting of replacement trees might occur, it does not automatically follow that it is being used for forestry purposes. That is a matter of fact and degree. Notwithstanding this, even if it is shown to be so used, it is incumbent on an applicant to provide evidence that a proposed building is reasonably required for those purposes. The NPA makes this point. Whilst the Appellant referred to the benefits of a management plan, and this might have demonstrated reasonable necessity for the building, he did not submit one. The result was that his submissions failed to provide justification for the building.
8. The NPA's finding that only limited works to trees on the land would be needed, and that tools and equipment that were necessary for this might be brought to the site and taken away again, was reasonable based on the evidence before it. The Appellant had the opportunity to provide further evidence of the need for the building, and thus not have to rely on keeping tools and equipment at home, but did not do so.
9. Section 6 of the NPA's SoC relates to 'Policy Considerations' and, as the Appellant points out, these play no role in an appeal into whether PD rights apply to a proposed development. Similarly, the second conclusion in the SoC, relating to the effect of the proposed shed on the landscape, has no relevance.
10. Paragraph 6.1 of the SoC does explain that the main issue is the interpretation of the GPDO and that what the NPA was doing was setting out how planning policies would relate to the development. Neither planning policy nor landscape effect were determinative in the NPA's decision.
11. The content of section 6 of the SoC, the second conclusion, and, for that matter, reference to the hardstanding that did not form part of the application, were, at worst, unnecessary minor distractions. They do not amount to unreasonable behaviour.
12. Overall, whilst I did not wholly agree with its reasoning, the NPA was justified in processing the application and appeal in the manner it did. On the main issue of the reasonable necessity for the building, it provided adequate reasoning and, in the circumstances, reached the right decision.
13. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

R Curnow

INSPECTOR