



Costs Decision

Site visit made on 19 November 2025

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2026

Costs application in relation to Appeal Ref: APP/U1105/W/25/3371346

Land and Buildings at Barton Farm, Village Way, Aylesbeare, Devon EX5 2FF

- 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 Mr Jeff Slade for a full award of costs against East Devon District Council.
 - The appeal was against the refusal of planning permission for change of use from agricultural building to 2no. dwellings, including associated works, parking and 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. The appellant seeks a full award of costs against the Council, alleging both procedural and substantive unreasonable behaviour in the handling of the planning application and subsequent appeal. The Council disputes the claim and maintains that its conduct was reasonable and consistent with the PPG.

Procedural behaviour

4. The appellant argues that the Council failed to engage constructively, particularly in relation to parking and turning arrangements, and that this amounted to a lack of cooperation contrary to Paragraph 47 of the PPG and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
5. However, the officer report clearly identifies parking and turning as a material concern, referencing Policy TC9 of the East Devon Local Plan 2013 – 2031 (LP) and Manual for Streets guidance. The decision notice includes an Article 35 informative explaining why negotiation was not pursued, citing the fundamental nature of the issues.
6. The PPG does not oblige authorities to negotiate where they consider the proposal fundamentally unacceptable. Nor is there evidence of delay, missed deadlines or any failure in the administration of the application or appeal. I therefore find no unreasonable procedural behaviour.

Substantive behaviour

7. The appellant also contends that the Council relied on inaccurate or generalised assertions regarding the submitted Structural Report. However, the evidence does not support this as the Council's concerns were specific and detailed. The structural report lacked calculations and trial pit investigations, and these deficiencies had been highlighted in earlier Class Q refusals relating to the same building.
8. A recent Class Q appeal decision, concerning the same structure and the same structural report, found that the building's ability to be converted had not been demonstrated. The Council was entitled to rely on that finding.
9. The Council's reasoning was therefore grounded in evidence and cannot be characterised as vague or unfounded.
10. The appellant further argues that certain matters, such as landscaping and boundary treatments, could have been addressed by condition. However, the Council's refusal was not based solely on these elements. The Council identified fundamental concerns relating to character, sustainability and the extent of reconstruction required. These are not matters that can be resolved through the imposition of conditions.
11. The PPG confirms that it is not unreasonable to refuse permission where a proposal conflicts with policy and cannot be made acceptable by conditions.
12. Lastly, the appellant refers to previous appeal decisions suggesting that Policy D8 of the LP is out of date. However, the Council is entitled to rely on its adopted development plan unless superseded.
13. The officer report distinguishes the appeal proposal from earlier approvals at Barton Farm, noting that those involved traditional barns with demonstrable enhancement, whereas the appeal building is a modern utilitarian structure. The Council also relied on other relevant policies, including Strategy 5B and Policy TC2 of the LP, and national guidance on sustainable locations. Its assessment was site-specific and reasoned.
14. The Council's approach does not amount to substantive unreasonable behaviour.

Conclusion

15. The Council's conduct was consistent with the PPG. It identified clear planning concerns, supported its reasoning with evidence and acted within the scope of its planning judgment.
16. The appellant has not sufficiently demonstrated that the Council behaved unreasonably or caused unnecessary or wasted expense. The application for an award of costs is therefore refused.

K Reeves

INSPECTOR