



Costs Decision

Site visit made on 6 January 2026

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2026

Costs application in relation to Appeal Ref: APP/Q1153/W/25/3365747 Development Site at Sx511893, Town Meadow, Bridestowe EX20 4BR

- 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 Leander Developments Ltd and Mrs Northcott for a full award of costs against West Devon Borough Council.
 - The appeal was against the refusal of planning permission for construction of 28 dwellings (single & two storey) with associated infrastructure.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. Applications for costs may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal. The applicants make an application on the basis of both procedural and substantive unreasonableness on the part of the Council.
4. The applicants outline that the current appeal is the third appeal on a site which is within the settlement boundary of the *Bridstowe and Sourton Neighbourhood Plan* (made 2022). It is also claimed that all previous matters raised had been addressed by the previous appeal proposal, leaving little between the parties, but yet, the Council refused permission for reasons which had previously been resolved. It is also alleged that planning permission has been refused for grounds capable of being dealt with by conditions and that the Council has not co-operated with the applicants or determined like cases in a consistent matter. It is also alleged that the Council has made vague, generalised and inaccurate assertions about the proposal's impact, which are unsupported by any objective analysis and that development has been prevented or delayed which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
5. The Council has defended the refusal of permission by reference to the lapse of the previous outline planning permission and promotion of its pre-application engagement service. The Council claim that it has exercised its duty to determine the planning application in a reasonable manner and that the appeal proposal should not clearly have been permitted given that it is not in accordance with the

development plan and as material considerations, including national policy, do not indicate that planning permission should have been granted.

6. In my separate decision, I have found that the scheme is compliant with development plan policy or where necessary, conditions were capable of being used to resolve any outstanding matters to make the development acceptable. In my view, there were many material considerations, not least the extensive planning history on the site and Council's lack of five year housing land supply, which indicated that co-operation and pragmatism were warranted to reach an agreeable positive outcome. As a result, the development should not have been delayed at all and an appeal should have been entirely avoidable.
7. There appears to be merit in many of the allegations put by the applicants in terms of the need for greater co-operation and consistency on the part of the Council. The Council's defence on these procedural aspects emphasises the need to consider the scheme afresh as the previous outline permission had lapsed, particularly in light of the absence of pre-application engagement. However, a detailed finding in respect of each point is not necessary as it would not alter the key outcome that I find the Council at fault for behaving unreasonably by delaying development that should clearly have been permitted.
8. For the reasons given above, unreasonable behaviour resulting in unnecessary expense has occurred and a full award of costs is therefore warranted.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that West Devon Borough Council shall pay to Leander Developments Ltd, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicants are now invited to submit to West Devon Borough Council, to which a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

H Nicholls

INSPECTOR