
Costs Decision

Site visit made on 26 July 2016

by CD Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 October 2016

Costs application in relation to Appeal Ref: APP/D0840/W/16/3148996 Sea View, 2 Trenawin Lane, Connor Downs, Cornwall TR27 5JG

- 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 C Jones for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for two dwellings.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The National Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellant argues that the appeal was unnecessary as the proposal complies with relevant planning policy and there were other material considerations, including a previous Appeal Decision, that the Council failed to take account of in reaching its decision. In light of this, it is suggested that the Council provided no evidence to indicate that any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits.
5. The proposal was refused on the basis of its location which the Council argue is within the countryside rather than Connor Downs. Both the Officer Report and the Council's Statement refer to the physical separation of the appeal site from the village and the effect of introducing built development in this area on the character and appearance of the locality. In this regard, particular reference is made to the rural character of the area. As such, the Council's concerns in this respect were neither vague nor generalised. These are matters of judgement.
6. Whilst the previous Appeal Decision¹ was not raised in the Officer Report, this was a reasonable course of action given that the previous appeal relates to a

¹ Appeal Decision APP/D0840/A/14/2217749

separate site, albeit one that is nearby. The matter was raised within the appellant's statement and the Council subsequently responded in their own statement. The policies of the Local Plan are also considered alongside the National Planning Policy Framework. Overall, the relevant material considerations were clearly taken into account, even if the appellant disagrees with the weight that was subsequently given to them.

7. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

CD Cresswell

INSPECTOR