
Costs Decision

Site visit made on 25 October 2016

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 11 November 2016

**Costs application in relation to Appeal Ref: APP/D0840/W/16/3155259
Tregenna House Farm, London Apprentice, St Austell, Cornwall PL26 7AW.**

- 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 Nigel Mitchell for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of the Council to grant planning permission for conversion and extension of redundant barn to form dwelling and alterations to car port.
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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 appellant argues that the Council has introduced matters within their appeal evidence which were not previously mentioned within the Officer's Report or reasons for refusal. The Officer's Report covers a number of points. Among other things, it refers to the height and proportions of the proposed building, including the form of the roof and the proposed introduction of a first floor. It is also argued that the provision of the amenity space to front of the development would diminish the rural character of the area by the presence of domestic paraphernalia and boundary screening.
 4. These concerns are condensed within the reasons of refusal, which refer to significant extensions and alterations being substantial in scale. It is also stated that the scheme would lead to a proliferation of paraphernalia and domestication. The policies of the both the adopted Local Plan and the National Planning Policy Framework (the Framework) are listed. The status of the emerging Cornwall Local Plan, which at the time of the decision was further from formal adoption, is reflected within the Officer's Report.
 5. Although the Council's Statement introduces additional information, the subjects covered are limited to the concerns raised within the Officer's Report and reasons for refusal. The Statement largely focuses on the policy position, together with the visual impact of the proposed development, including an assessment of the form and scale of the resultant building. The matter of domestic paraphernalia is also elaborated upon.
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6. I accept that references to the structural survey within the Council's Statement were not previously raised within the Officer's Report. However, these references need to be taken in context. They form a relatively small part of the Council's evidence and it seems to me that the structural survey was only mentioned to help emphasise the Council's point that the alterations to the barn would be substantial. In any event, there is little evidence to suggest that the Council's actions have led to additional costs being incurred.
7. With regard to the matter of domestic paraphernalia, the Council make it clear within their Statement that they consider the proposal would intensify use of the site for domestic purposes. The Council also argue that the situation would be different than an annexe or holiday use. It is stated that the intensification of use would be of concern to the character and appearance of the area. Although I did not agree with the Council on these particular points, I consider that their position was adequately justified.
8. The appellant also argues that the Council relied too heavily on Policy 34 of the adopted Local Plan. Although this policy governs the conversion of redundant buildings within the countryside, the policy is somewhat dated. I note that the Officer's Report considers both Policy 34 and paragraph 55 of the Framework, with both being discussed. The Council's Statement also compares the provisions of Policy 34 against both the Framework and emerging Cornwall Local Plan. Overall, the relevant material considerations were clearly taken into account, even if the appellant disagrees with the weight that was subsequently given to them.
9. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

Colin Cresswell

INSPECTOR