
Costs Decision

Site visit made on 17 January 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 27th January 2017

Costs application in relation to Appeal Ref: APP/D0840/W/16/3159264 Land south east of Trevillis Park, Liskeard, Cornwall PL14 4EG

- 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 Acquiro SW Ltd for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for the erection of 14 dwellings (4 affordable and 10 market) (outline application with all matters reserved except access).
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, Planning Practice Guidance (PPG) advises that costs may only 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's application is made on the grounds that the Council has failed to substantiate its first refusal reason and has relied on third party objections.
4. I disagree. The Council has set out clearly its reasoned justification for its first refusal reason in paragraphs 5.3 to 5.7 inclusive of its appeal statement. Whilst the Council cross refers to the evidence presented by the Residents Association there is nothing wrong with that since it merely uses the photographic evidence presented by the RA to highlight the access problems in the estate and particularly to this site, which is the main issue in this appeal. It also cross refers to the previous appeal decisions made in 2010 and explains the relevance of the Inspector's conclusions regarding highway safety to this proposal.
5. These arguments are convincing and have led me to dismiss the appeal. They cannot therefore be termed insubstantial.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Nick Fagan

INSPECTOR
