
Costs Decision

Site visit made on 20 March 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 5th April 2017

Costs application in relation to Appeal Ref: APP/D0840/W/16/3163273 Sunwell Bungalow, Sunwell Lane, Antony PL11 3AN

- 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 Cornwall Council for a full award of costs against Mr & Mrs Kevin Down.
 - The appeal was against the refusal of planning permission for construction of new holiday let on footprint of previously demolished building within the site of Sunwell bungalow.
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Decision

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

Reasons

2. Planning Policy Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
 3. It goes on to state that an appellant is at risk of an award of costs if the appeal or ground of appeal had no reasonable chance of succeeding such as, for example, the development is clearly not in accordance with the development plan and no other material considerations are advanced, or where such considerations are advanced, that there is inadequate supporting evidence.
 4. The appellant provided a comprehensive statement of case which considered that the proposal would be comparable to other tourist accommodation in Cornwall in respect of its accessibility and provided some details, albeit limited, of a specific development at Camperdown Farm. They also suggested the appeal site was reasonably located to local beaches and other tourist destinations. Although, in dismissing the appeal, I considered that the site did not have acceptable access to services and facilities, the appellant's case was not irrational and it was not inadequately evidenced.
 5. I consider that the current local policy framework is not significantly different to that at the time of the Council's decision and the National Planning Policy Framework has remained consistent throughout. Nonetheless, it was not unreasonable for the appellant to consider that the proposal accorded with previous and current local policy and established national policy, and therefore they did not act unreasonably by lodging the appeal.
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6. For these reasons I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and consequently the application for an award of costs is refused.

Andrew Owen

INSPECTOR