
Costs Decision

Site visit made on 13 February 2017

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 10 April 2017

Costs application in relation to Appeal Ref: APP/D0840/W/16/3142299 Land at OS6179, Lower Trehurst Farm, Menheniot PL14 3RQ

- 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 Colin Maddever for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for the construction of an agricultural and equine building together with a sand school and an associated yard area.
-

Decision

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

Reasons

2. As set out in the Planning Practice Guidance (PPG), 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. There are several strands to the appellant's application for costs but all revolve around the contention that it was unreasonable of the Council not to seek a second opinion, by an appropriately qualified and experienced practitioner, on the medical evidence submitted by the occupiers of Higher Lodge, before deciding to refuse planning permission on the basis of that medical evidence.
4. In my parallel appeal decision I have found no good reason to treat the medical evidence submitted by the neighbouring occupiers other than at face value. It must follow from that conclusion that it was not unreasonable of the Council to treat said medical evidence in the same way. Moreover, in my parallel appeal decision, I have come to the same conclusion about the potential impact of the development at issue on the neighbouring occupiers as the Council. The Council has, therefore, substantiated its reason for refusal.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is not, therefore, justified.

Paul Griffiths

INSPECTOR