



Costs Decision

Site visit made on 28 November 2017

by C J Ball DArch DCons RIBA IHBC

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

Decision date: 12 December 2017

Costs application in relation to Appeal Ref: APP/D0480/W/17/3181720 Former Devoran Car Sales site, Devoran, Truro TR3 7NR

- 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 Philip Perryman.
 - The appeal was against the refusal of planning permission for residential development of five houses and associated works.
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Decision

1. The application for costs is dismissed.

Reasons

2. The Planning Practice Guidance advises that costs may 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 Council considers that the appellant acted unreasonably in pursuing the appeal as, because the Sequential Test had not been passed, that was the end of the matter and there were no grounds for taking the matter further. This seems to me to be overly prescriptive. The starting point in any decision is the local development plan. As the Council recognises, the appeal has to be determined in accordance with the development plan unless material considerations indicate otherwise. The appellant recognised the conflict with the development plan but considered that the wider sustainability benefits, recognised by the Council and complying with other policies, amounted to a strong material consideration sufficient to outweigh that conflict. I consider that to be an entirely reasonable planning argument.
4. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Colin Ball

Inspector