



Costs Decision

Site visit made on 20 March 2018

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2018

Costs application in relation to Appeal Ref: APP/D0840/W/17/3183372 Discovery Quay Car Park, Campbeltown Way, Port Pendennis, Falmouth, Cornwall TR11 4AU

- 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 Whitbread PLC for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for the erection of a 70 bedroom Premier Inn Hotel (Use Class C1) with integral ancillary restaurant/breakfast area.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) 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's planning committee was quite entitled to exercise its judgement and refuse the application for the stated reasons. In relation to the proposed development's effect on the named heritage assets I have concluded that its judgement was sound. The fact that the committee took a different view from its own Conservation Officer is within its remit, especially given Historic England's (HE) adverse comments regarding the development.
4. I agree with the appellant over HE's comments that the development would sever the visual connection between Arwenecak House and Pendennis Castle is erroneous. But that does not detract from HE's other concerns, which by enlarge I agree with, and that is partly why I have dismissed the appeal.
5. I have explained in my decision why I have dismissed the appeal on heritage grounds in spite of the previous appeal decision¹, namely for the reason that heritage impacts were not the main issue in that case and hence such impacts were not considered in depth.
6. I have some sympathy for the applicant since it may well appear that at each subsequent application new reasons for refusal are introduced that have not previously been addressed. But I must address the appeal before me on its merits in relation to the issues identified and the instant refusal reasons. For

¹ PINS Ref. APP/D0840/A/12/2189642

the reasons given in my decision I have concluded that the Council's refusal in respect of the development's impacts on nearby designated heritage assets was well founded and convincingly argued at appeal.

7. 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