



Costs Decision

Site visit made on 17 September 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 October 2019

Costs application in relation to Appeal Ref: APP/D0840/W/19/3222469 Topsails at Pentui, Pill Lane, Feock, Cornwall TR3 6SE

- 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 & Mrs A McGaw for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of the construction of a single dwellinghouse
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Decision

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

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 applicant's claim is based on a combination of what is considered to unfair procedure at the committee meeting when an officer's recommendation to approve the scheme was reversed, and a number of examples of weak and unsubstantiated submissions by the Council.
4. As regards the Council's evidence, the appellant will recall that the officer's report also found that there would be harm caused to the AONB, for example at paragraph 56. Ostensibly, it somewhat surprising that given this finding, summary / recommendation paragraph 4 found that *'The harm is outweighed in this instance by the public benefits of the scheme; these being the economic, social and environmental benefits associated with the introduction of a high quality bespoke dwelling within a settlement'*.
5. However, this is explained by the pros and cons of the scheme being in the officer's assessment one of 'fine balance' having also taken into account other buildings in the AONB. At the committee, Members clearly considered these comments in the light of strong objections from the AONB unit, the Parish Council and a substantial number of representations opposing the proposal from local residents.

6. In these circumstances I consider that the Council's decision was a reasonable one and based on a proper evaluation of the scheme, including the policies for safeguarding the AONB and other material considerations including objections from other planning / landscape professionals (the AONB unit) and local residents. I have also agreed with these conclusions, albeit again on balance.
7. As regarding the committee meeting being '*a shambles*', it is normal for officers to assist Members with the wording of the reason for refusal when an officer's recommendation to approve is not accepted. And even though this wording came after the vote there is no reason to conclude that each Member had not come to his or her own decision on essentially the same conclusions after reading the committee report and the extensive summaries of the objections made, in particular from the AONB unit.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. The application for an award of costs is accordingly refused.

Martin Andrews

INSPECTOR