



Costs Decision

Site visit made on 16 July 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2019

**Costs application in relation to Appeal Ref: APP/D0840/W/19/3226696
Wainhomes SW Ltd, Swanvale Sales Office, Penhale Road, Falmouth,
Cornwall TR11 5UZ**

- 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 Wainhomes (South West) Holdings Ltd for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for the erection of two detached dwellings.
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Decision

1. The application is refused.

Reasons

2. The Planning Practice 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 directly caused the party applying for costs to incur unnecessary expense in the appeal process. The applicant submits that the planning committee's decision to refuse the planning application against the officer recommendation was unsubstantiated, inconsistent with a decision elsewhere, and unreasonable.
3. The planning committee was not bound to accept the officer recommendation. The members assessed the proposal having regard to the relevant development plan policies and gave a clearly articulated reason for refusal which reflects concerns raised, as shown within the minutes of the meeting. A site visit was not a prerequisite to them reaching that decision.
4. The Council supported its decision during the appeal process and produced a statement which also responded to the applicant's grounds of appeal. I note the applicant's concerns in relation to the consideration of the site as Public Open Space. However, the Council's reason for refusal does not refer to this issue but relates to the effect of the development on the character and appearance of the area.
5. The site in relation to permission Ref PA17/06028 is materially different, and I therefore find no substantive inconsistency in the Council's approach between it and this appeal proposal.
6. As such, although I have ultimately disagreed with the Council, the committee members did not act unreasonably in refusing the scheme and the Council substantiated its reason for doing so at the appeal.

Conclusion

7. Taking all matters raised into account, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Matthew Jones

INSPECTOR