



Costs Decision

Site visit made on 10 December 2019

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2019

Costs application in relation to Appeal Ref: APP/D0840/W/19/3232355 Little Hendra, Boskerris Road, Carbis Bay TR26 2NQ

- 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 Andrew McGivern for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for demolition of existing dwelling and redevelopment of the site to provide 7no new dwellings and 1no replacement dwelling.
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Decision

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

Reasons

2. The National Planning Practice Guidance advises that 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. Examples of behaviour that may give rise to a substantive award against a local planning authority include failure to produce evidence to substantiate each reason for refusal on appeal. Hence while the Council were entitled to take a contrary view to that of its professional officers, the reasons for refusal must be substantiated with planning evidence.
3. The appellant argues that the West Sub-Area Planning Committee¹ failed to make a balanced assessment of the proposal when it resolved to refuse the application against officer advice. It is suggested that the decision was reached without proper consideration of the evidence.
4. Although I have been provided with a copy of the Minutes from the meeting, it amounts to a brief summary of the discussion and it is not possible for me to determine exactly what was discussed. Nevertheless, the Council produced clear enough reasons for refusal concerning issues of character and appearance. Relevant development plan policies were quoted.
5. The Council's Appeal Statement provides detailed reasons why the proposed development was considered to be harmful and in conflict with the quoted policies. Even though the subsequent appeal was allowed, the reasons for refusal were clearly substantiated with planning evidence.

¹ Cornwall Council West Sub-Area Planning Committee 14 January 2019.

6. Although the appellant disagrees with the decision of the Committee, the issue of character and appearance is largely a matter of planning judgement which the Council are entitled to take their own view on, even if it is contrary to the recommendations of professional officers.
7. Overall, I consider that the Council has justified their actions and hence acted reasonably. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

C Cresswell

INSPECTOR