
Costs Decision

Site visit made on 3 February 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Costs application in relation to Appeal Ref: APP/D0840/W/19/3240028 Tresournes Farm, Tresillian, Truro TR2 4AP

- 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 C Julyan.
 - The appeal was against the refusal of planning permission for development described as a proposed farm diversification project to provide three exemplar farm based holiday eco lodges, new access track and associated works.
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Decision

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

Reasons

2. Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. Parties in planning appeals and other planning proceedings normally meet their own expenses.
3. The PPG includes examples of unreasonable behaviour by Appellants. Amongst other things, this can include appeals where; "development is clearly not in accordance with the development plan, and no other material considerations such as national planning policy are advanced that indicate the decision should have been made otherwise, or where other material considerations are advanced, there is inadequate supporting evidence"¹.
4. The Applicant claims that the Appellant has acted unreasonably by failing to demonstrate how the appeal scheme would accord with the provisions of Policy 5 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan). The Applicant maintains that this Policy requires that new tourism development must be sustainable and accessible by a range of transport modes and that, given the location of the site outside of Tresillian, the site would be remote from services and facilities and therefore could not accord with the provisions of the Policy or represent sustainable development.
5. Whilst it will be seen from my decision that I concur with the Applicant that Policy 5 of the Local Plan includes requirements that the site is accessible, and that I have found that the site would not be located where it would be accessible for all, the Appellant has clearly set out their reasons why they

¹ Paragraph: 053 Reference ID: 16-053-20140306

believe the site is in an accessible location, with reference to the bus routes which serve, and pass through, Tresillian. The Appellant maintains that, in their view, the distance to the nearest settlement and the services it contains, is short, and further provides details of the transport links that serve the wider area.

6. I therefore do not find that the Appellant has acted unreasonably in this regard, as they have provided details of why they believe the proposal would represent sustainable development, with reference to access to services and facilities as described above, and also in relation to the potential benefits that may arise in respect of the social and economic dimensions of sustainable development.
7. Further to the above, the Applicant contends that whilst the proposal was considered on the basis of farm diversification in accordance with Policy 5 of the Local Plan, there was no evidence submitted which clearly demonstrated an overriding need to be located at the appeal site. In this regard, the Applicant has referred me to a later planning application submitted by the Appellant for the conversion of barns at Tresournes Farm.
8. It will be seen from my decision that I concur that the existence of the later planning application and approval in relation to barns at Tresournes Farm, brings into doubt that there is an overriding need for the appeal proposal to be located at the appeal site. However, at the time the planning application was assessed in respect of the appeal scheme, the appointed Land Agent did question whether existing buildings at Tresournes Farm could be used for holiday accommodation due to, amongst other matters, the access arrangements. The Appellant did indicate within their submissions that the site was chosen to minimise the impact on the landscape and therefore made the case that the proposal would accord with Policy 5 of the Local Plan. Whilst I have not agreed with the Appellant on this point, I conclude that the Appellant has not acted unreasonably in this regard.
9. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. The application for a full award of costs is, therefore, refused.

A Spencer-Peet

INSPECTOR