



Costs Decision

Site visit made on 17 December 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Costs application in relation to Appeal Ref: APP/D0840/W/19/3232560 Treza Vean, Tolponds Road, Porthleven TR13 9LZ

- 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 Mrs Elizabeth Griffith for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for the removal of dilapidated railway carriage and erection of detached timber framed holiday cottage.
-

Decision

1. The application for costs 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 caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant submits that unreasonable behaviour and wasted expense occurred as various amendments were made to the proposed drawings prior to the planning committee refusing the application against the officer recommendation.
4. The iterations of the scheme which were designed, following dialogue with the Council, would have had time and cost implications for the applicant, and I appreciate that this may have been a potential cause for concern. However, as this occurred prior to the appeal, it does not seem to me that this matter caused unnecessary expense in the appeal process itself.
5. The planning committee's decision to refuse the application ran contrary to the case officer's recommendation, and this would have been a likely source of frustration given the dialogue that had taken place up to that point. However, planning committees are entitled to reach a different view to their professional officers, and both the original officer recommendation and the committee's decision were legitimate planning judgments. A site visit is not a prerequisite to forming a view. The Council substantiated its case at the appeal, and I have ultimately agreed with its decision.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Matthew Jones

INSPECTOR