
Costs Decision

Site visit made on 22 June 2020

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

an Inspector appointed by the Secretary of State

Decision date: 02 July 2020

**Costs application in relation to Appeal Ref: APP/D0840/W/20/3247122
Land South West of Tre Pol Pen, Ventongimps, Callestick, Cornwall
TR4 9LH**

- 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 Simon Crabb for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for a proposed new underground self-build starter home and dwelling.
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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 planning authorities. Amongst other things, this can include, "preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations", "vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis" and "failure to produce evidence to substantiate each reason for refusal on appeal".
4. It will be seen from my Appeal decision that I agree with the Council in respect of the application of development plan policies related to the location of development and to the impact on the character and appearance of the area. It follows that the Council has not misapplied policies of the development plan or prevented development that should have been permitted.
5. The Council's reasons for refusal were based on the policies of the development plan and material planning considerations. Those policies and considerations required the exercise of judgment in determining whether the appeal site was located within or adjoining a settlement and whether the proposal constituted infill or rounding off. The reasoned justification for the Council's conclusion was contained in a detailed report. In my view, sufficient and substantive evidence was provided in defence of the reason for refusal in the appeal process.

6. On the issue of whether vague, generalised or inaccurate assertions about the appeal scheme's impact were provided by the Council, I find that the information contained within the Council Officer's report was comprehensive with regards to describing the area surrounding the appeal site and included those reasons why the Officer concluded that Ventongimps would not constitute a settlement. The report further considers how the proposed development would integrate into the area and the harm that would arise. The report provides clear and understandable reasons to substantiate the refusal on these grounds. Accordingly, given that I have found harm in relation to the location of development and its impact on the character and appearance of the surrounding area, I conclude that the Council have not acted unreasonably in this respect.
7. It will be seen from the appeal decision that I agree with the Council on the policy approach and that the appeal site does not lie within or adjoining a settlement. For the reasons explained, I have not been presented with substantive evidence to be able to conclude that the site is previously developed land and I have found that the proposal would not comply with the overall development plan strategy for the location of housing.
8. 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