



Costs Decision

Site visit made on 18 August 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Costs application in relation to Appeal Ref: APP/D0840/W/20/3250111 Moorfield Barns, School Road, Praze-an-Beeble, Camborne, Cornwall TR14 OLB

- 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 G.E. Carter for a partial award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for the construction of a single storey dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The applicant considers that the Council acted unreasonably with respect to the substance of one of the matters under appeal. In particular, it is alleged that the Council provided vague, generalised or inaccurate assertions, unsupported by objective analysis, in relation to the proposed parking and turning arrangements on the site.
3. The matter of the proposed parking and turning arrangements is covered in the Council's reason for refusal, which details the alleged harm and the local planning policies that the Council considered the development conflicted with. The Council's appeal statement is relatively concise on the matter in question. However, it elaborates on the Council's concerns with the proposed development, substantiates the refusal reason and is not particularly vague, generalised or inaccurate. It also identifies local and national planning policies relevant to the issue. Combined with the analysis contained in the Officer Report, it seems to me that sufficient, specific detail was therefore provided by the Council to support and justify its position.
4. The lack of reference to a Design Guide and the strategic nature and general wording of the identified local planning policy do not of themselves indicate that the Council's judgement was unreasonable, unjustified and lacked sufficient assessment and supporting evidence. As the matter in question related to the living conditions of adjoining occupiers rather than highway safety, it also seems to me that the lack of objection from the Council's Highways consultee is not determinative in this case.

5. The Council's appeal statement did not provide any commentary on the examples of other developments referred to by the applicant. However, parties do not always respond to each and every point made by other parties at appeal. In this instance, the evidence before me indicated that the examples provided were not sufficiently comparable to mean that the Council acted inconsistently and should have had regard to them in its decision on the appeal proposal. It is also a well-accepted principle that each proposal is considered on the basis of its particular circumstances.
6. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Tobias Gethin

INSPECTOR