
Costs Decision

Site visit made on 10 August 2020

by Neil Pope BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 9 September 2020

**Costs application in relation to Appeal Ref: APP/D0840/W/20/3251246
Mark of Friendship, New Street, Millbrook, Cornwall, PL10 1BY.**

- 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 Punch Partnerships (PML) Ltd for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for the proposed change of use of public house to three dwellings, external alterations and demolition of outbuildings at the rear.
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Decision

1. The application is granted and an award of costs is made in the terms set out in the Order below.

Reasons

2. The Government's Planning Practice Guidance advises that parties in appeal proceedings normally meet their own costs, but costs may be awarded against a party who has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Members of the Council are not bound to accept the advice of their officers. Nevertheless, at appeal, evidence must be submitted to substantiate reasons for refusal. Vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis, could result in an award of costs.
4. In determining the application, Members properly had regard to the representations made by interested parties and the parish council. However, the strength of public opposition to a proposal is not in itself sufficient grounds for withholding planning permission. In setting aside the considered advice of its officers, it was incumbent upon the Council to produce cogent evidence to substantiate its concerns that the proposal would result in social harm.
5. Notwithstanding the best endeavours of its officers, the Council failed to demonstrate that the proposal would result in any significant harm to the social well-being of the local community. There was no indication of any objective analysis by the Council or any convincing evidence to support its concerns. Moreover, the Council did not help itself by the reasons it subsequently gave for de-listing the pub as an Asset of Community Value.
6. In failing to substantiate its concerns the Council acted unreasonably and delayed development that accorded with the relevant provisions of the development plan and should reasonably have been permitted. Its behaviour

caused the appellant to incur the unnecessary costs of pursuing this matter to appeal. A full award of costs is therefore justified.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Cornwall Council shall pay to Punch Partnerships (PML) Ltd the costs of the appeal proceedings described in the heading of this decision.
8. The applicant is now invited to submit to Cornwall Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Office is enclosed.

Neil Pope

Inspector