



Costs Decision

Site visit made on 22 July 2020

by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 October 2020

Costs application in relation to Appeal Ref: APP/D0840/W/3246090 Gwellheans, 1 Alma Place, Redruth TR15 2AT

- 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 and Mrs M Batten for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for '*Change of use of building from offices (B1.a Use Class benefitting from a prior notification decision to convert into 7no. residential flats) to 12 bedroom house in multiple occupation residential use*'
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Decision

1. The application is refused.

Reasons

2. The 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 where this has directly caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant submits that the Council's planning committee was unreasonable in deferring their decision to seek amendments and then refusing permission against the professional recommendation of officers. It is alleged that members pre-determined the application. The policies the Council relied upon are out of date. The Council's decision was not supported by the facts of the case.
4. Planning committees are entitled to diverge from the recommendations of its officers and often do. Whilst the scheme was deferred from one meeting to another, this did not oblige members to grant permission. The reasons for refusal are complete, specific and rely on relevant policies of the CLP. The weight attributable to these policies is a matter of planning judgment and it is not unreasonable for the Council to rely on its development plan as it did.
5. There is a degree of subjectivity in an appraisal of the living conditions within the proposed development. Whilst I ultimately disagreed with the Council, its case regarding both living conditions and housing mix was adequately substantiated through the evidence put before me at the appeal. Any potential issue of pre-determination is more appropriately considered through the Council's complaints procedure in the first instance.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, is not demonstrated.

Matthew Jones

INSPECTOR