



Costs Decision

Site visit made on 23 September 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Costs application in relation to Appeal Ref: APP/D0840/W/20/3252894 Land South of Curlews, Road From Holywell Beach To Junction At Sea View Lane, Holywell Bay TR8 5PP

- 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 Steve Bazeley of Bazeley Construction Ltd for a full award of costs against Cornwall Council.
- The appeal was against the refusal planning permission for '*construction of five dwellings to round-off existing built development within the settlement*'.

Decision

1. The application is refused.

Reasons

2. 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. The applicant submits that the Council prevented development from proceeding that should have been permitted; failed to produce accurate and consistent evidence to support its reason for refusal; and made vague generalised assertions about the impact of the proposal.
3. I have concluded that the Council was right to decide that the development should not have been permitted. Whilst the Council used several phrases to express its position, they are not necessarily inconsistent, nor are they clear evidence of a conscious attempt to mislead. They are more credibly attributable to the breadth and detail of policy wording and guidance in this case.
4. Nonetheless, the Council's written evidence, set out within the officer report and the appeal statement, is not vague. Rather, it is detailed, lucid and to the point. It establishes the Council's reasoning, engaging with the circumstances of the case and the arguments put forward by the appellant clearly. It correctly identifies the roles of the Council's development plan policy and its guidance and applies the two proportionately and correctly. The Council is under no compulsion to provide photographs or appeal decisions to enhance its written evidence, nor is it the Council's role at the appeal to find a design solution.
5. Ultimately, whilst the appellant has disagreed with the Council's arguments, the Council made them credibly and sufficiently, and they fall within the realms of legitimate planning judgment. As such, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, is not demonstrated.

Matthew Jones

INSPECTOR