



Costs Decision

Site visit made on 8 December 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2020

Costs application in relation to Appeal Ref: APP/D0840/D/3259027

1 Trenwith Terrace, St Ives TR26 1QE

- 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 H Fenn for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for demolition of existing block building and creation of off-road parking space.
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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 and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The appellant contends that the Council refused planning permission on matters that do not constitute development, thereby preventing or delaying development which should clearly be permitted. It is also alleged that the Council has not determined similar cases in a consistent manner.
4. The demolition of short sections of boundary wall in certain locations, such as at the appeal site, would likely not in itself constitute development. However, notwithstanding the description of development, the proposal encompasses the formation of an access through a means of enclosure, and the removal of the boundary wall is part and parcel of such. Moreover, there is nothing to say that, in such circumstances, assessments should be restricted only to matters of highway safety. Therefore, the Council were entitled and indeed duty bound to consider the design merits of the proposal against the development plan.
5. Whilst I note that a different decision was reached by the Council on a similar scheme nearby, this predates the development plan, including the St Ives Area Neighbourhood Development Plan 2015–2030. The scheme at Windsor Terrace was in a different place not of entirely the same character. These decisions do not infer any undue inconsistency in the Council's approach.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and that an award of costs is not justified.

Matthew Jones

INSPECTOR