



Costs Decision

Site visit made on 11 December 2020

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

Costs application in relation to Appeal Ref: APP/D0840/W/20/3256807 Land west of 29 Grenville Road, Padstow PL28 8EX

- 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 Oliver Bealing for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for Proposed new house.
-

1. 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 delayed development that should otherwise have been permitted and made vague and inaccurate assertions about the proposal's impact. The Council is therefore said to have acted unreasonably by failing to give sufficient weight to the valid fallback position and through refusing the application despite the advice of its Officers.
2. I have noted the recommendation of Council Officers in the Committee Report and the minutes of the East Sub-Area Planning Committee meeting where the planning application was considered by Council Members. However, Members are not required to accept Officers' professional advice so long as a case can be made for the contrary view.
3. The minutes of the Committee meeting indicate that the merits of the development were discussed and various issues considered and debated. This includes the matters covered by the refusal reason, and I have little substantive evidence which indicates that the Committee's decision was based on vague or inaccurate assertions. I note that the minutes, within the section covering Officers' responses to Members' questions, also refer to the extant planning permission on the appeal site. It is therefore evident to me that Members were cognisant of the fallback position, which was covered in detail in the Committee Report, and the PPG is clear that it is for the decision maker to decide what weight is to be given to the material considerations in each case.
4. Following the Committee's determination to refuse the planning application, the Council issued its Decision Notice. That sets out the reason for refusal, which is complete, precise, specific and relevant to the development proposed, and details the alleged harm and the local planning policy that Members considered the development conflicts with. The Council's appeal statement subsequently elaborates on the refusal reason and the Council's concerns with the proposed development, and includes sufficient detail to substantiate its position.

5. Although the applicant considers that it accords with planning policy, my assessment of the proposed development – in relation to the main issue – concluded otherwise. However, while I have come to a different overall conclusion to the Council and have allowed the appeal, this does not mean that it acted unreasonably in refusing the planning application. As set out above, Members are also not bound to accept the advice of their Officers and the weight to be given to a particular issue is a matter for the decision maker.
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.

T Gethin

INSPECTOR