



Costs Decision

Hearing Held on 18 January 2021

Site visit made on 19 January 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Costs application in relation to Appeal Ref: APP/D0840/W/20/3254432 Merry Meadows Farm, Road From Junction South Of Bowling Green To Treskilling, Bowling Green, Bugle PL26 8RN

- 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 Cornwall Council for a full award of costs against Miss Ruth Edgell.
 - The appeal was against the refusal of planning permission for Retention of a hardstanding area and sheds for agricultural purposes; use of a mobile shepherd's hut as a temporary agricultural worker's dwelling.
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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 appellant acted unreasonably in relation to substantive matters regarding the planning merits of the appeal.
 2. The PPG sets out that the party seeking planning permission should give consideration to the merits of the case, whether there are strong grounds to contest the reasons for refusal of permission, and that parties who pursue an appeal unreasonably without sound grounds may have an award of costs made against them. In relation to this, it has been put to me that the proposed development is entirely contrary to the development plan and national policy and guidance and has no chance of success.
 3. Amongst other aspects, the appellant's appeal submissions are said to lack full detailed evidence in relation to relevant matters, such as livestock numbers and financial information, fail to refer to the PPG and present a limited case in respect to the effect of the appeal scheme on the landscape. My attention has also been drawn to the expense involved for the Council having to take enforcement action given that the appeal is for a retrospective development that was carried out without planning permission and follows a previously refused planning application for the same proposal.
 4. Be that as it may, and despite the lack of detail on some matters including the provision of sound, accurate financial information, I have found that the appeal proposal would not conflict with the development plan policies or national policy and guidance as alleged by the Council in its Decision Notice and appeal statement. As I have therefore allowed the appeal, it cannot reasonably be described as having been made without sound grounds.

5. 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