



Costs Decision

Site visit made on 16 February 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2021

Costs application in relation to Appeal Ref: APP/D0840/W/20/3263260 Land South East of Wringsdown, Yeolmbridge, Launceston, Cornwall PL15 8NH

- 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 Mr F McGough, Classic FM Homes.
 - The appeal was against the refusal of planning permission for 1 No timber detached dwelling together with frontage access and layby from lane in Wringsdown, adjacent Yeolmbridge, chartered surveyors report and professional ecologists reports attached.
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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 on the basis that the appeal follows two previously dismissed appeals for similar development on the same site and that the circumstances have not materially changed in the intervening period.
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 plans submitted with the proposed development relating to the widening of the road are similar in all three appeals and that given the previous appeal decisions, the current proposal has no reasonable chance of success.
3. The evidence before me indicates that the plans submitted with the appeal showing the proposed access to the site and associated layby and visibility splays are indeed very similar to the plans associated with the previous planning applications and subsequent appeals for the same development on the appeal site. Confirming this, the appellant's Design & Access / Planning Statement No 2 sets out that the appeal scheme is materially no different from that made in 2014.
4. Be that as it may, the evidence submitted with the appeal identifies that the condition of the bank running along the site's frontage with the highway has deteriorated since the previous two planning applications on the site were refused by the Council and dismissed at appeal. As set out by the appellant, this is the main material change between those applications and the appeal proposal and much of the appeal submissions focus on this aspect. The appeal proposal also includes significantly more detail, such as additional reports and plans, than the previous applications in relation to both the bank's condition and the

proposed replacement boundary treatment where the site access, layby and visibility splays would be located.

5. Accordingly, although I have not come to a different overall conclusion to the Council in relation to the appeal and have dismissed it, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

T Gethin

INSPECTOR