



Costs Decision

Site visit made on 10 March 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2021

Costs application in relation to Appeal Ref: APP/D0840/W/20/3262809 Land West Of Hamilton Close, Hamilton Close, Truro TR1 3FW

- 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 Epernay Consultants Ltd for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for residential development for the construction of six new dwellings and associated works.
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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 applicant asserts that the Council has not substantiated its reason for refusal, has not offered a proportionate technical rebuttal to the appellant's evidence, particularly the Landscape and Visual Impact Assessment (LVIA), and has acted with inconsistency in its decision making.
4. The appeal turned on matters of character and appearance and whether the scheme would constitute 'rounding off'. Assessments of these issues contain a large, inherent degree of subjective judgment. Planning committees are an informed audience and it is clear from the minutes of the committee meeting that the substance of the scheme was debated before any decision was reached. I see no reason why deferral of the committee's responsibilities in this regard would have been necessary at that point.
5. The Council's reason for refusal is grounded in planning policy and was adequately substantiated within the Council's appeal statement. This included challenges to both the methodology and the outcomes of the LVIA. Moreover, the subjectivity of the disputed issues calls for consideration of each scheme on a site by site basis, and there is no clear evidence of any irrational inconsistency in the member's decision making within that context.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is not justified.

Matthew Jones

INSPECTOR