
Costs Decision

Site visit made on 26 May 2021

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th June 2021

Costs application in relation to Appeal Ref: APP/D0840/D/21/3267149 14 Laregan Hill, Penzance TR18 4NY

- 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 Ms M Kohlweg and Mr N Richard for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for alterations and extensions to dwelling - amended scheme of PA20/04493 to incorporate balconies.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance advises that costs may be awarded where a party has acted unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellants application for costs relies to a substantial extent on how the Council reached its view that the development should be refused.
4. Whilst I appreciate that the outcome of the application will have been a disappointment to the appellants, the Council were not unreasonable in coming to that decision from the information they had available to them. Indeed, following consideration of the merits of the appeal, I have concurred with the findings of the Council.
5. Accordingly, I do not find that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposal which justified its decision.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason and having regard to all matters raised, an award of costs is therefore not justified.

Alison Fish

INSPECTOR