



Costs Decision

Site visit made on 8 June 2021

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 July 2021

Costs application in relation to Appeal Ref: APP/D0840/W/21/3270019 Tamarisk, 23 Penmare Terrace, Hayle TR27 4PH

- 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 Mrs B Wright for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of a development described as "change of use application from a Residential Dwelling (C3) to a House in Multiple Occupation for Supported Housing Accommodation. And minor alterations to the garage, including removal of doors into windows to match those on the existing house".
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Decision

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

Reasons

2. The decision to refuse the application was taken by the planning committee¹ against the professional advice of the Council's planning officer. The main thrust of the appellant's case is that the reasons for refusal were vague and unsubstantiated by evidence.
3. According to the minutes of the planning committee, discussion focused on the safety and security implications of the proposal, including the extent to which Police would need to be called to the property. Paragraphs 5.5 and 5.6 of the Council's Appeal Statement says that the proposal may provide accommodation for people with addictions. It then goes on to argue that, as a result, there would be a higher propensity for the emergency services to be called during the night, leading to unacceptable noise and disturbance.
4. The Council refer to the fallback position in paragraph 5.9 of its statement, acknowledging the appellant's point that the property could accommodate up to 6 residents without the need for planning permission. It is argued that the proposal to accommodate up to 8 residents would represent an increase of a third which may be seen as significant. However, the main theme of the Council's statement is that it is not only the increase in the quantity of residents that would lead to noise and disturbance, but the specific nature of the specialist accommodation that is being proposed.
5. While I did not accept these arguments in my Appeal Decision, it nonetheless seems to me that the Council has gone some way to substantiating its reasons for refusal through an objective analysis of the proposed development. I am

¹ Cornwall Council West Sub-Area Planning Committee Report, 8 February 2021

also mindful that the committee was responding to the concerns of local residents who expressed strong objections to the proposal and raised some points that were not covered in great detail within the committee report. This included matters related to safety, security and thereby Police call outs.

6. I note that the Council has acknowledged in Paragraph 5.8 of its statement that some of these issues fall under the remit of other legislation although point out that they can also be relevant to land use decisions. While the appellant has drawn my attention to another application for a House of Multiple Occupation that was refused by the same planning committee (and subsequently allowed at appeal) this relates to a different site with different circumstances and so is not directly comparable. It does not follow that the actions of the Council should lead to an award of costs in the current case.
7. Overall, I consider that the Council has made a reasonable attempt to justify its reasons for refusal. Hence, unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

C Cresswell

INSPECTOR