
Costs Decision

Site visit made on 27 May 2021

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 17 August 2021

Costs application in relation to Appeal Ref: APP/D0840/W/21/3267673 Unit 3 and 4 Cambridge Barn, New Portreath Road, Redruth TQ16 4QL

- 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 Mr Mark Hitchen for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for the reposition of approved extended dwellings known as Unit 3&4 Cambridge Barn.
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Decision

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

Reasons

2. 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. Parties in planning appeals and other planning proceedings normally meet their own expenses.
3. The PPG includes examples of unreasonable behaviour by planning authorities. Amongst other things, this can include, "preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations".
4. The Applicant has put it to me that the appeal scheme addressed all of the concerns raised in relation to a separate previous application that was subsequently dismissed at appeal. However, it will be seen from my decision that the appeal scheme differs from that previous application and, consequently the appeal was determined on its own merits.
5. Matters such as character and appearance can be subjective and, in this case, the precise reasons for the Council's finding that the application would result in harm to the area's character and appearance are clearly set out in the Officer's report. Whilst I have come to a different conclusion to that of the Council with regards to the appeal scheme's impact on the character and appearance of the surrounding area, I have not identified inaccuracy or lack of objectivity in the Council's analysis of the proposal. Accordingly, I consider that the Council did not prevent or delay development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, and therefore did not act unreasonably in reaching its conclusion.

6. Consequently, given that I find that the Council did not act unreasonably in terms of preventing or delaying development that should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, it is not necessary to consider the matter of whether or not there has been unnecessary or wasted expense in the appeal process.
7. In conclusion, I find that the unreasonable behaviour resulting in unnecessary or wasted expense, as described within the PPG, has not been demonstrated in this case and that, therefore, an award of costs is not justified.

Mr A Spencer-Peet

INSPECTOR