
Costs Decision

Site visit made on 22 September 2021

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2021

Costs application in relation to Appeal Ref: APP/D0840/W/21/3277212 Land South of Anneth Cor-Yn, Trelash, Warbstow, Launceston PL15 8RL

- 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 Ricky, Deborah and Kevin Cobbledick, Dawe and Cobbledick for a partial award of costs against Cornwall Council.
 - The appeal was against the refusal of permission in principle for up to five new dwellings.
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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 a partial award of costs relies to a substantial extent on the fact that they believe the Council has introduced new and misleading or irrational arguments at a late stage in the process and presented them in an irrational manner. This is with reference to the Council's statement of case which they say contains evidence or arguments which could have been raised during its determination of the planning application.
4. The Council argues that it's statement of case sets out a logical and reasoned interpretation of policy and guidance, backed up by evidence.
5. The submission of a statement of case by all interested parties is a fundamental part of the written representations appeal process. This enables all parties to provide further evidence and/or information to substantiate their case and as a result, it will almost always contain new or more detailed evidence than had previously been available to the parties. The fact that there is disagreement over whether the proposal meets policy or not, is an essential part of the appeal process and therefore it is not unexpected that the appellants will disagree with the Council's position.
6. The appellant has been given an opportunity to address the areas where they consider the Council have erred in its interpretation or application of policy, through the submission of final comments, which is also part of the appeal process. Given that I have concurred with the findings of the Council in respect of the merits of the appeal, I am content that the appellants have not been put to any unnecessary or wasted cost in this respect.

7. I do have some sympathy with the appellant, in that the Council's response to the appellants application for costs largely reiterated its stance in terms of the substance of the appeal. However, given that the appellants application for costs lacked specific detail, I find that this was an inevitable outcome.

Conclusion

8. 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