



Costs Decision

Site Visit made on 19 October 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2021

**Costs application in relation to Appeal Ref: APP/D0840/W/21/3277614
Domestic Curtilage/Garden South of 'Stansville', Boscawen Road,
Falmouth TR11 4EN**

- 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 Paul Harvey for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for Erection of dwellinghouse and garage and associated landscaping.
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1. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The applicant considers that the Council acted unreasonably, in substantive terms, by preventing development from proceeding that should have been permitted and misapplying and ignoring relevant development plan policies.
2. In this case, the Council's Decision Notice sets out the reason for refusal, which is complete, precise, specific and relevant to the planning application, and refers to relevant policies in the adopted development plan. The accompanying Officer Report clearly sets out the Council's consideration of the planning application, including the principle of the development (covering such matters as its situation within the urban area of Falmouth, proximity to services and facilities, and its benefits) and other relevant considerations. The Council's Officer Report and subsequent appeal statement also contain details and reasoning in relation to the Council's concerns with the proposed development. Albeit somewhat brief at times, the detail provided sufficiently substantiates the refusal reason and justifies the Council's decision.
3. The policies that the applicant contends that the Council have ignored are not all covered in the Council's appeal statement. However, as the Council's Officer Report includes them within the list of relevant policies, the Council was clearly cognisant of their relevance to the proposed development. In addition, even if the policies in question support the appeal proposal, their wording does not indicate that permission should inevitably be granted and that they outweigh other issues. Simply being situated in a named settlement and in an accessible location does also not mean that the development was inherently acceptable and should have been granted permission. While the applicant may disagree with the Council's position and its balancing of the issues, this does not mean that it acted unreasonably in refusing planning permission or prevented development which should have reasonably been permitted.

4. Although I have come to a different overall conclusion to the Council and have allowed the appeal, this does not mean that it acted unreasonably in refusing the planning application. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

T Gethin

INSPECTOR