
Costs Decision

Site visit made on 6 December 2021

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

**Costs application in relation to Appeal Ref: APP/D0840/W/21/3280016
Crooked Inn (Manager's Dwelling), Liskeard Road, Trematon, Saltash,
Cornwall, PL12 4RZ.**

- 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 and Mrs T & S Arnold for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for alterations and variations to extant consented managers dwelling (under construction) and associated works, without complying with a condition attached to planning permission Ref. PA13/03126, dated 11 October 2013.
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Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance advises that 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.
3. One of the aims of the costs regime is to encourage local planning authorities to properly exercise their development management responsibilities and to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, not to add to development costs through avoidable delay.
4. Local planning authorities are not bound to accept the recommendations made by their officers. However, they will be at risk of an award of costs where they fail to produce evidence to substantiate reasons for refusal or provide vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
5. In determining the application the Council, notwithstanding the recommendation of approval from its officers, took into account all material considerations. This included the planning history of the site, the development plan and the marketing information that had been submitted by the applicants.
6. The applicants appeared to accept that there was a continuing essential need for 'on site' manager's accommodation to be available to serve the needs of the business. It was also entirely appropriate for the Council to satisfy itself as to the appropriateness of the marketing campaign that had been undertaken.
7. Marketing is not an exact science. As the dwelling had been permitted as an exception to established planning policies, it was incumbent upon the

applicants to demonstrate a lack of continuing need for the occupancy restriction. It was also important for the Council to maintain public confidence in the planning system by ensuring that a robust marketing regime had been undertaken. In this regard, Members of the Council would have experience of applications elsewhere to remove occupancy conditions and, in all probability, would also have some familiarity with the local housing market.

8. Like the Council, I found within my appeal decision that the appellants explanation for the confidential nature of the marketing campaign did not stand up to scrutiny. There was also a lack of clarity over the extent of the discount that had been applied to the asking price in order to adequately reflect the occupancy restriction. It was entirely reasonable for the Council to raise such concerns given the restrictions on housing in this nationally important landscape and the likelihood that an approval would, in all probability, result in a future application for 'replacement' manager's accommodation.
9. The planning application was not for the provision of an alternative manager's dwelling in a part of a different building. Moreover, whilst the appellants have argued that this could have been secured by way of a planning obligation, there was no completed obligation for the Council to consider. The Council did not inhibit or delay development that should reasonably have been permitted.
10. I conclude that the Council did not act unreasonably in withholding permission and did not cause the appellants to incur unnecessary or wasted expense. The application does not therefore succeed.

Neil Pope

Inspector