
Costs Decision

Site visit made on 30 November 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2022

Costs application in relation to Appeal Ref: APP/D0840/W/21/3278892 Knot Shore, Restronguet Hill, Mylor Bridge TR11 5ST

- 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 S Hills for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for a single dwelling and garage.
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Decision

1. The application for an award of costs 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. The Council has provided evidence to support its position that Restronguet was not a settlement. It has also pointed to evidence that might cast doubt on the appellant's claim that the land is not previously developed. While I have not found that evidence to weigh sufficiently against that of the appellant, or require a binding justification of land use such as a certificate of lawfulness, the Council's position was not wholly unsubstantiated. Therefore, it has not acted unreasonably in refusing permission for these reasons.
4. The Council has referred to the emerging Mylor Parish Neighbourhood Development Plan that is not yet made. A conflict with its policies is alleged in the appeal statement. However, the reason for refusal does not refer to the NDP and so, regardless of the weight that should be attributed to it, the Council's decision was not unreasonable in this regard.
5. In respect of visual effects, the Council has explained its position that the proposal would effectively extend development into the undeveloped countryside that, cumulatively, could harm the Area of Outstanding Natural Beauty (AONB). Whether or not there are limited places that the development could be seen from, the Council's position that the proposal would fail to conserve the scenic beauty of the AONB is a substantiated judgement, given that the land is currently undeveloped.

6. I, therefore, find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Accordingly, the application is refused.

M Bale

INSPECTOR