



Costs Decision

Site visit made on 15 February 2022

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2022

Costs application in relation to Appeal Ref: APP/D0840/W/21/3281638 Unit 2, Indian Queens Industrial Estate, Lodge Way, Indian Queens TR9 6TF

- 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 Kieron Day, Ata Couriers Ltd for a partial award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for the construction of four commercial units B8 use class.
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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's reason for refusal is based upon effects on the character and appearance of the area. In making submissions to the appeal, the Council has referred to the wider planning policy context and need for the development. There is nothing unreasonable in the way that this has been set out in support of comments relating to the overall planning balance, when the development plan is considered as a whole.
4. Nor is reference to the planning history unreasonable, including commentry on conditions attached to historic planning permissions at the site. The Council's reference to a possible enforcement investigation may have been a surprise to the appellant, but that matter is not before me in the context of this appeal against a refusal of planning permission, and so the appellant has not been required to advance a case in that regard. Overall, I find the Council's submissions on matters not listed in the reason for refusal to be no more than helpful background information, relevant to their case.
5. The Council's submissions in respect of highway safety appear to be in response to the appellant's comments about the inability to access the site from the industrial estate road. They do not go so far as to suggest that permission should be refused for this reason.
6. I, therefore, find that the Council has not introduced new reasons for refusal through its appeal submissions. The Council's case in respect of the main issue has been substantiated. With regard to the above, no unreasonable behaviour

has been demonstrated. Therefore, the appellant has not been put to unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance.

7. Accordingly, the application for an award of costs is refused.

M Bale

INSPECTOR