



Costs Decision

Site visit made on 28 March 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 12th April 2023

Costs application in relation to Appeal Ref: APP/D0840/W/22/3295671 Building and land, to the north of Brownsdit, Morwenstow, Bude, EX23 9PH

- 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 David Boundy for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of prior approval of permitted development rights for the change of use of an agricultural building and land forming the curtilage of the building to 1 no. dwellinghouse (use Class C3).
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Decision

1. The application for an award of costs is refused.

Preliminary Matter

2. The Council added a postcode to the address originally given by the appellant. I have used this above as it makes the address more accurate.

Reasons

3. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) 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.
4. The appellant suggests that the Council has given weight to the planning history at the site, rather than assessing the proposal on its own merits; and that it has not assessed the submission afresh or fully, including the submitted planning statement and structural report.
5. The Council's officer report demonstrates that it had a good understanding of the nature of this most recent proposal, and little comparison is made between this and previous submissions. The detail of the proposal is adequately considered and no disagreement with the conclusions of the structural report is aired; rather, the Council makes a reasonable observation that trial pits were not dug. I am satisfied that this observation was reasonably made by a planning officer, who is responsible for examining the evidence available to ensure that it stands up to scrutiny.
6. I note that the Council refers to the internal work, however it is clear that its decision to refuse the proposal is not based solely on the level of internal work proposed, but rather how this is considered in the round in the context of the extent of the original building that would be retained, which the Council

suggests would be 'skeletal'. Whilst I have ultimately disagreed with the Council by allowing the appeal, I am not satisfied that its reasoning is unreasonable particularly in the context of the planning judgement required to weigh up whether a proposal under Class Q¹ can be considered a conversion or is tantamount to a new build.

7. I note that the Council has referred to an outdated paragraph of the PPG. The appellant accepts that its text is very similar and there is no suggestion that this error would have resulted in a different decision. I am not satisfied therefore that this constitutes unreasonable behaviour, and for the reasons already given there is no firm evidence before me that the Council had become so entrenched in its position that it was unable to consider the proposal on its own merits.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Tucker

INSPECTOR

¹ Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended