



Costs Decision

Site visit made on 3 May 2023

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2023

Costs application in relation to Appeal Ref: APP/D0840/W/22/3301818 Land West of 4 Parc An Peath, St Buryan TR19 6ES

- 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 Hosking for a partial award of costs against Cornwall Council.
 - The appeal was against the refusal of an application for planning permission for construction of three dwellings.
-

Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of an appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicants contend that the Council has acted unreasonably alleging that the planning committee had no regard to the commenced approval at the site and the conclusions of Inspectors in relation to the related appeal decision on the appeal site and for the 48 houses to the north of the village. The statement that the scheme would block views of the Church is factually incorrect. In this regard, the Council has prevented development which should clearly be permitted and has not determining similar cases in a consistent manner.
4. The site history is set out in the officer report presented to the committee and the 2016 appeal decision was discussed during the meeting, so one can deduce that members would have been aware of the reasoning given by the Inspector in relation to that decision. The officer report refers to the 2016 permission in the present tense and describes it as 'valid', so the potential for that scheme to act as a fallback was adequately relayed to members in my opinion.
5. It is not clear to me if the appeal decision to allow the 48 houses on the site to the north was actually put to the committee members by anyone, so the committee cannot be held to have acted unreasonably in not referring to it in the debate. There are obvious differences between the three respective schemes in any event, so there is no compelling issue of inconsistency here.
6. I tend to agree with the applicants that the Council has made incorrect statements in relation to the 'blocking' of views of the Church tower. However, it is clear from the wording of the reason for refusal, the submissions of interested parties, and the substantive case put forward in the Council's Appeal Statement, that the issue around the Church's setting was more evolved than

the simple blocking of views of the tower. Moreover, the applicants' response to this specific issue is concise and integrated within the Statement of Case document and the brief response given at the Final Comments stage. I have ultimately agreed with the Council's concerns, so members did not prevent development which should clearly have been permitted.

7. Consequently, on the evidence before me, the Council's conduct does not constitute unreasonable behaviour that has resulted in unnecessary or wasted expense in the appeal process, as described in the PPG. An award of costs is therefore not justified.

Matthew Jones

INSPECTOR