



Costs Decision

Site visit made on 6 June 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Costs application in relation to Appeal Ref: APP/D0840/W/22/3310809 Helnoweth Farm, Access to Helnoweth Farm, Cornwall TR20 8YP

- 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 Ms D Pellow for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for proposed conversion of redundant stables.
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Decision

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

Reasons

2. 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.
3. The applicant contends that the Council have acted unreasonably in not determining similar cases in a consistent manner, preventing development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations and by alleging visual harm without reasonable scrutiny including a site visit. The applicant has also drawn my attention to a differing planning application which they state relates to a similar development to that the subject of this appeal.
4. While some details of the other planning application referenced PA22/03523 have been supplied, all details are not before me, including any delegated or committee reports outlining the Council's reasoning for the grant of planning permission. Furthermore, the other application relates to a differing site, and while it may be the case that the Policy context is similar, each proposal is required to be assessed on its own merits. As a result, it is not possible to draw accurate comparisons between that scheme and that proposed in this appeal. Therefore, I cannot conclude that the Council have unreasonably been determining similar cases in an inconsistent manner.
5. The Council state that the proposal would be contrary to policies 1, 2, 3, 7, 12 and 23 of the Cornwall Local Strategic Policies 2010-2030 (LP) as well as paragraphs 8, 130 and 174 of the National Planning Policy Framework (Framework). My appeal decision explains why I consider the development should not be permitted and I have also concluded that the proposal would conflict with the same policies within the LP and be inconsistent with advice within the Framework. It follows that the Council have not prevented a

development which, having regard to the development plan, national policy or material considerations, should clearly have been permitted.

6. The Council Officer's report set out the reasons for the decision in a clear manner which takes account of the relevant factors including characteristics of the surrounding area. Even though I have disagreed in my appeal decision that the site is prominent when viewed from the road as stated within the Council's reason for refusal, I have observed that the site is nevertheless visible from public viewpoints.
7. Furthermore, the Council have not, as the applicant has suggested, confirmed in their costs rebuttal that a site visit did not take place. I have no substantive evidence before me as to whether a visit did take place. Nonetheless the Council have demonstrated an analysis of the appeal site context, and the interpretation of local and national policy was not irrational. A reasonable exercise of planning judgement was demonstrated in the conclusions reached.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

S Harrington

INSPECTOR