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## Costs Decision

Site visit made on 13 April 2023

**by C Rose BA (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date:**

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**Costs application in relation to Appeal Ref: APP/D0840/W/22/3303754  
Two Hoots, A388 Between Dirty Lane and Junction South Of The Cardinals  
Hatt, Carkeel PL12 6PH**

- 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 Cornwall Council for a full award of costs against Mr Leonard Screech.
  - The appeal was against the refusal of planning permission for change of use of workshop (general industrial class B2) to dwelling (dwellinghouse class C3).
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### Decision

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

### Reasons

2. 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 Council considers that the appellant acted unreasonably as the appeal had no prospect of succeeding as it was for development on the same site where a similar proposal was found on appeal to be unacceptable and where circumstances have not materially changed.
4. In response, the appellant disagrees that they have acted unreasonably stating that there has been a change in circumstances including potential highway works in the area and by reference to a subsequent appeal decision. In addition, the appellant states that there must have been a change in circumstance as the Council accepted and considered the further planning application.
5. I agree that had the Council considered the proposal to be similar to the recently dismissed scheme, they could have declined to determine the application. By accepting the planning application, the Council indicated to the appellant that there had been a change in circumstances, and it follows that by accepting the application, there would be a subsequent right of appeal. Furthermore, the appellant produced evidence to support their appeal in relation to pedestrian safety including reference to potential highways works and another appeal nearby.

6. In light of the above, I do not find that the appellant acted unreasonably through the submission of the appeal. Following the acceptance of the application and refusal of planning permission, the appellant made an argument comprising the changed circumstances and adequately justified their reasons for submitting the appeal.
7. Accordingly, I find that unreasonable behaviour in procedural or substantive terms resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
8. The application for an award of costs must therefore fail.

*C Rose*

INSPECTOR