



Costs Decision

Site visit made on 26 May 2023

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Costs application in relation to Appeal Ref: APP/D0840/W/22/3310556 Recreational Building at Roskorwell, Roskorwell, St Keverne TR12 6PR

- 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 John Slade for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for change of use of recreational building into a holiday use.
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Decision

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

Reasons

2. The appellant argues that the Council treated the proposal as if it were for an open market dwelling rather than a holiday let. Both the Officer Report and the Council's Statement assess the proposal against Policy 7 of the Local Plan which is concerned with housing in the open countryside and says that development is only allowed under special circumstances.
3. It seems to me that the Council's reference to Policy 7 was to demonstrate that it had considered the proposal against the development plan as a whole. The Council justify why they consider Policy 7 to be relevant to the proposal in paragraph 5.7 of their Statement where it is mentioned that the building contains all the necessary facilities for day-to-day living. While this approach deviates somewhat from the main issue, it is nonetheless a reasonable approach to take. Besides, the Council was not entirely reliant on Policy 7 to maintain its objection. It also assessed the proposal against Policy 5, which more directly addresses the issue of tourist accommodation.
4. The Council's reference to the site being in the open countryside is of relevance to Policy 5 as well as Policy 7. The test in Policy 5 is whether the tourist accommodation is of an appropriate scale for its location and accessible to a range of transport modes. Paragraphs 5.10-5.11 of the Council's Statement provides a clear assessment of how the location of the building in the open countryside affects its accessibility in the context of Policy 5. While the appellant claims that the Council has taken *no account of the public transport connection*, this is very clearly covered in paragraph 5.3 of the Council Statement, which even includes a copy of the timetable.
5. Although the appellant suggests that the Council's reasons for refusal could have been dealt by a holiday-use condition, the Council has explained in some detail why it considers the proposal to conflict with Policy 5. Hence, imposing

such a condition would not have overcome the Council's objections. This is not an example of local planning authority delaying development which should have clearly been permitted.

6. Overall, unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

Colin Cresswell

INSPECTOR