



Costs Decision

Site visit made on 9 August 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 September 2023

Costs application in relation to Appeal Ref: APP/D0840/W/22/3313952 Land Opposite Higher Tolcarne House, Tolcarne, St Day, Redruth TR16 5HA

- 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 R Davies for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for the change in the use of domestic recreation and storage land to a mixed use for the stationing of a residential lodge and ancillary recreation land.
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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 PPG¹ makes clear that Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example by unreasonably refusing a planning application. This includes preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The applicant considers that the proposal would clearly comply with Policy 3 of the Cornwall Local Plan (CLP), adopted November 2016. This is because it would lie within an undisputed settlement of Tolcarne, on a site that would 'round off' the settlement. The Council has not, in the applicant's view, provided evidence of the importance of the landscape or justification for its finding of harm.
5. In my decision letter, I have concluded that the proposal would not accord with CLP Policy 3 or in some respects comply with the Council's guidance² on rounding off. However, I have found that it would not cause harm to the character or appearance of the area and would accord with the Development Plan as a whole. The Council has provided landscape evidence to support its case, including in reference to the former County Council's Landscape Character Study, June 2008. These are ultimately matters of planning

¹ Paragraph: 049 Reference ID: 16-049-20140306

² Chief Planning Officer Advice Note on Infilling and Rounding Off, dated December 2017

judgement and I do not consider that the Council has been unreasonable in its decision-making.

6. The applicant has referred to PPG paragraph 48³. However, this relates to the circumstance where the Local Planning Authority has failed to determine an application within the time limits. I have no evidence to suggest that the Council has been unreasonable in this regard.
7. For the reasons given above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred. An award of costs is not therefore warranted.

O Marigold

INSPECTOR

³ Paragraph: 048 Reference ID: 16-048-20140306