



Costs Decision

Site visit made on 5 September 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2023

**Costs application in relation to Appeal Ref: APP/D0840/W/23/3315626
Farm building at Willow Lake, Besore, Threemilestone, Truro, Cornwall
TR3 6BL**

- 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 Jack & Ms Charlotte Lindsay for an award of costs against Cornwall Council.
 - The appeal was against the refusal of a notification for change of use of agricultural building to a flexible use class C1 (guest house).
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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 PPG also advises that the behaviour of parties during the time of the planning application can be taken into account in deciding whether unreasonable behaviour has occurred. Although, the costs themselves can only be awarded in relation to unnecessary or wasted expense at the appeal.
4. The applicants contends that the Council has behaved unreasonably because it declined to accept additional information, prevented constructive engagement with the applicant and rushed its decision.
5. While I accept that these matters arose during the course of consideration of the application, it is not possible to infer that had they not done so and, for example, the Council had engaged with the applicant, this would have led to a positive outcome and negated the need for the planning appeal.
6. The Council did not behave unreasonably in making its decision based on the information it had. The Council is not necessarily obliged to accept further information. I am satisfied that adequate reasoning has been provided as to why the Council reached the decision it did, and it was not unreasonable for the Council to make its decision within the timescale that it did. Thus, the applicants have not been faced with unnecessary expense in lodging the appeal.
7. Therefore, based on the information available to me, I find no unreasonable behaviour in this regard. The PPG advises that, where Local Planning

Authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs.

Conclusion

8. Having considered this costs application on its merits, for the reasons given I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated and an award of costs is not justified.

J White

INSPECTOR