



Costs Decision

Site visit made on 27 September 2023

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2023

Costs application in relation to Appeal Ref: APP/D0840/W/23/3319816 Land adjacent to 1 Woodland Court, Truro, Cornwall TR1 1XT

- 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 J Street for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for construction of an infill dwelling on vacant plot in residential location.
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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. The applicant considers that the Council acted unreasonably, in substantive terms, by failing to produce evidence to substantiate its claim that the appeal proposal would not integrate with its setting and surroundings; not determining similar cases in a consistent manner; and preventing or delaying development which should clearly be permitted.
3. The Council's Decision Notice sets out the reasons for refusal, which are complete, precise, specific and relevant to the development proposed, and detail the alleged harm and relevant planning policies. The Officer Report provides further detail while the Council's appeal statement subsequently elaborates on the refusal reasons and includes significant detail with respect to whether the appeal proposal would acceptably integrate with the character of its setting and surroundings. Even though I have come to a different view to the Council, its submissions therefore include sufficient detail and evidence to substantiate its position on that matter (and the other identified issues).
4. Although somewhat briefly, the Council's appeal statement does cover the examples identified by the applicant of other windfall dwellings in Truro which have been granted planning permission by the Council and at appeal. Whilst not going into significant detail, the Council's submissions on this topic sufficiently address the relevance of those examples to the appeal proposal. On the basis of the evidence before me, I am also satisfied that the examples cannot reasonably be described as analogous cases to the appeal proposal.
5. Although I have come to a different overall conclusion to the Council in relation to the appeal, this does not mean that the proposed development should clearly have been permitted. In this instance, as I have found above, the Council sufficiently substantiated and justified its reasons for refusal and

addressed the applicant's examples of other schemes. As such, it was not unreasonable for the Council to refuse permission and its decision thus neither prevented nor delayed development which should clearly have been permitted. The identified housing crisis does not lead me to a different conclusion.

6. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is not warranted.

T Gethin

INSPECTOR