



Costs Decision

Site visit made on 19 December 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2024

Costs application in relation to Appeal Ref: APP/D0840/W/23/3325917 Penton, Carbean, St Austell PL26 8XJ

- 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 and Mrs Stewart Healey.
 - The appeal was against the refusal of planning permission for the erection of two dwellings.
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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 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. Whilst I have dismissed the appeal and I have disagreed with their assertions that the appeal site is within a settlement and the other appeal decisions that were provided are directly comparable, the appellants did put forward a substantiated argument for the appeal to be allowed that was based on their consideration of adopted planning policy and guidance contained within the Council's Chief Planning Officer's Advice Note: Infill/Rounding Off (2017).
4. Furthermore, other material considerations were submitted by the appellants in the form of the site being sustainably located and therefore compliant with national planning policy. Again, I have not agreed with that argument, but that part of the appellants' case was not unevidenced.
5. The appellants did not therefore make an appeal that had no reasonable prospect of succeeding. Essentially, there is a difference in planning judgement between the main parties over the proposal's ability or inability to comply with the relevant development plan policies.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Reeves

INSPECTOR