



Costs Decision

Site visit made on 15 March 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2024

Costs application in relation to Appeal Ref: APP/D0840/D/23/3333988 24 New Street, Penzance, TR18 2NE

- 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 and Mrs Bredenkamp & Boehler for a partial award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for the construction of single storey extension and associated works.
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Decision

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

Reasons

2. 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. Such costs are restricted to the appeal process only.
3. The council felt they had no reason to be concerned about the proposed surface water strategy in relation to the previous application, or when the appeal application was first submitted. However, due to the nature of the concerns raised by local residents during the processing of the appeal application they decided to consult the local water authority. The water authority similarly raised concerns, which were set out in the officer report and was one of the reasons given by the council for refusing the application. Give the importance placed on flood risk and the nature of the concerns raised it was not a matter that could have been appropriately dealt with by condition.
4. It would have been reasonable and proactive for the Council to advise you of their drainage concerns, so that they could have been addressed at the application stage. However, this would not have prevented the need for this appeal or the preparation of a new drainage statement. In relation to this appeal the drainage concerns were dealt with in the necessary drainage statement and dealt with succinctly in the appellants appeal statement.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Elizabeth Lawrence

INSPECTOR