



Costs Decision

Site visit made on 18 June 2024 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2024

Costs application in relation to Appeal Ref: APP/D0840/W/23/3335234 Anchorage, 28 North Parade, Falmouth, Cornwall TR11 2TD

- 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 Roberts for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission ref PA23/03515 described as demolition of existing building and erection of 3 dwellings.
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Decision

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

Procedure

2. A representative of the Inspector has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons

3. 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.
4. The applicant suggests that Council have delayed development that should otherwise have been permitted, given its compliance with national and local planning policy. There are a number of strands to their stance, and I shall aim to address them in turn.
5. Whilst the reasoning of a previous Inspector on any given appeal may indicate routes to an acceptable future application, it does not necessarily follow that such would be automatically so. It still has to go through the appropriate channels and be assessed by the Council in the first instance, on its own merits and with regard to its own context. It appears from the evidence that this is what the Council did.
6. A planning committee at a local planning authority is not bound to follow the recommendation of its officers. It is sufficiently clear from the minutes and transcript of the relevant meeting on 29 August 2023 that members had reviewed the matters presented to them and that there was a full deliberation of the application. The reasoning the Council then provided in their evidence at appeal was adequate to justify the stance taken.

7. The reason for the Council's refusal of the application that led to this appeal related to character and appearance matters. These are subjective. The decision-making process was, as far as I can see, adhered to, and the correct policies and procedures applied at the time. It is not unreasonable for members to apply fact and degree decision making based on the policies and guidance they deem relevant.
8. The Council cite Policy CC1 of the Climate Emergency Development Plan Document (2023) in their decision. The notice does not specify harm in regard to this policy since the sole reason for refusal relates, as I have explained, to character and appearance matters only. The Council provide some explanation in their statement as to why the appeal scheme would conflict with CC1. Whilst the accompanying appeal decision goes into more detail on this matter and its relevance to my findings, the Council has provided sufficient explanation as to why the policy was cited.

Conclusion and Recommendation

9. For the reasons I have set out, unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated. I therefore recommend that an award of costs is not justified.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and my representative's report and on that basis the application for an award of costs is refused.

John Morrison

INSPECTOR