



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: 6th August 2024

Costs application in relation to Appeal Ref: APP/D0840/W/24/3337540 12 Back Lane, Angarrack, Cornwall TR27 5JE

- 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 Nathanael Lloyd.
 - The appeal was against the refusal of an application for development described as a proposed retaining wall and parking bay.
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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 Council contends that the appellant has behaved unreasonably by submitting materially the same planning application as one previously refused, PA22/04876, where an Inspector agreed it was unacceptable. They suggest that circumstances have not materially changed in the intervening period.
5. Whilst the previous application was refused on similar grounds to the current appeal proposal and it is seeking to achieve a similar objective, it is clear to me that they differ. The size has been reduced, the design altered, the access has been redirected and land stability has been addressed by a structural engineer. It was therefore entirely reasonable for a fresh scheme to be submitted and considered accordingly. My conclusions thereon aside.

Conclusion and Recommendation

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, it is recommended that the application for an award of costs is refused.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

7. 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