



Costs Decision

Site visit made on 16 July 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: 21 August 2024

Costs application in relation to Appeal Ref: APP/D0840/W/24/3341089 Lands End Camping and Glamping, Trevescan Farm, Sennen TR19 7AQ

- 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 Mark Bridges for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of an application for the conversion of buildings to form two 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 they have 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. The applicant has made their claim on a number of substantive and procedural grounds. I have addressed them in turn.
4. The Council cite section 9.3.4 of the Cornwall Design Guide 2021. This refers to the ability for views out when seated from within the building. On review of the application at appeal stage, the Council considered that this section was not relevant, and did not put forward any representations in this regard. Views out of the window whilst seated were withdrawn as a reason for refusal. The Council appear to have reviewed their own decision and approached the appeal in an appropriate manner in this regard. Removing this aspect of a reason for refusal did not affect the fact that there would be other harms. Namely an unacceptable sense of enclosure and outlook would still prevail.
5. In terms of calculations of internal and external floor areas being inadequate, both the Council's assessment of the application and the decision notice set out that the reasons for refusal related to living conditions, with particular regard to overlooking and outlook. My analysis of these matters can be read separately. The Council set out their reasoning clearly and understandably. Whilst this might not have been to the satisfaction of the applicant, the

Council's reasons explained the harms that would arise, how and with what development plan policies the scheme would conflict as a result.

6. The 2018 pre-application advice was for one residential unit, amongst a number of other schemes, and was not the same as the current two unit proposal. I have explained this in the appeal decision. Pre-application advice is the interpretation of the policies and guidance at that moment in time, given without prejudice. It does not guarantee the grant of permission. Any application to its effect must go through the democratic process and a decision may be taken away from Council officers and passed to a planning committee.
7. Whilst some aspects of a proposal may be made acceptable by imposing a condition, any such condition must be assessed against the relevant tests. Conditioning the sealing up of the entrance to the agricultural building on the boundary with the proposal would not overcome its overbearing effect upon the proposal. Therefore, it would be unreasonable to do so.
8. It is asserted that a nearby grant of planning permission demonstrates an incoherent process. As discussed in the appeal decision, that decision related to a materially different scheme with materially different merits and considerations. In addition, there is no compelling evidence to justify the allegation that the Council have been uncooperative. Even if they were, this may have been unhelpful, but this would not always mean unreasonable. Specifically, since they have fulfilled their statutory duty to determine the application and provided reasons for their decision. It has been the applicant's choice, as is their right, to seek an overturn of that decision on appeal.

Conclusion and Recommendation

9. 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 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