



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: 23 August 2024

Costs application in relation to Appeal Ref: APP/D0840/W/24/3340236 Land East of Dean House, Trenerth Road, Hayle

- 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 S Edwards (Penmellyn Ltd) for a partial award of costs against Cornwall Council.
 - The appeal was against the refusal of an application for the erection of five 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 contends that the Council have behaved unreasonably by relying upon Policy HT1 of the Crowan Parish Neighbourhood Development Plan 2018-2030 (NDP) and that they would have found in favour of the appeal as a point of principle had they not. It is further suggested that the decision also runs contrary to other recent decisions on similar schemes as applications and appeals. I have addressed the matter of other schemes in the appeal decision and as such will not repeat that here. As a result of my findings on those, the Council has not acted unreasonably in refusing planning permission with them in mind.
5. The officer report clearly recognised that Policy HT1 of the NDP is a permissive policy that provides clarity that the site is located outside of the development boundary for Leedstown, and this policy-led approach aims to restrict the development of new market housing to land within it. The proposal is development outside the development boundary and therefore this policy does not permit it. Whilst it is silent upon proposals outside, it clearly demarcates what is acceptable and by association what isn't. As such the proposal does not comply with Policy HT1 of NDP.

6. The Council have not decided the proposal on a single NDP Policy alone but the development plan as a whole, of which the NDP is part, as well as other material considerations. Consequently, the Council have acted reasonably in regard to Policy HT1 of the NDP.

Conclusion and Recommendation

7. 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

8. 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