



Costs Decision

Site visit made on 18 July 2024

by T Gethin 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/24/3337842 Land adjacent to St Day Road, Sandy Lane, Redruth TR15 2DW

- 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 A Nuciforo, Warmstar Properties, for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for Affordable Led Housing Scheme on Land Adjacent to the Town of Redruth.
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Decision

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

Reasons

2. 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 considers that the Council acted unreasonably, in substantive terms, by not determining similar cases in a consistent manner and ignoring appeal decisions for similar schemes, and ultimately prevented/delayed development which should clearly be permitted.
3. The Council's Decision Notice sets out the reasons for refusal, which are complete, precise, specific and relevant to the development proposed, and detail the alleged harm and relevant planning policies. The Council's Officer Report and appeal statement elaborate on the refusal reasons and include sufficient detail in relation to its concerns and the alleged harm. This is also balanced against the proposal's benefits, including in relation to the declared housing crisis and the need for additional accommodation, especially affordable housing.
4. Even though I have come to a different view to the Council, its submissions therefore include sufficient detail and evidence to substantiate its position on the refusal reasons. The second, third and fourth reasons for refusal also required further detail and/or a legal agreement in order for me to conclude that there would be no conflict with relevant development plan policies in relation to those matters.
5. The declared housing crisis and related documents are a material consideration. Amongst other aspects, they highlight the importance of rural exception sites to delivering affordable housing and the need to balance any harms and/or conflicts with development plan policies with the pressing need for new homes. Be that as it may, they do not change the status of the development plan, irrespective of its age; and it is for the decision maker to

decide what weight is to be given to the material considerations in each case. Any expectation that there may have been as to how the Council may interpret its permissive policies and act on its own published advice notes, in light of the housing crisis, does not change this.

6. Although the other affordable housing scheme granted planning permission by the Council was on the edge of Redruth, the available evidence indicates that the context of the appeal site is not the same. Unlike the Council's position on the appeal proposal, Council Officers also considered that scheme was immediately adjacent to the settlement edge and ultimately concluded that it met the requirements of CLP Policy 9, including being well related to the physical form of the settlement. The approved scheme and the appeal proposal are therefore not so similar that approving the former should have resulted in the latter being approved, irrespective of the levels of objection to the former. With the cited appeal schemes involving significantly fewer units and being located in other locations with different contexts, the Inspectors' findings in those cases do also not indicate that the appeal proposal should have been granted permission or that the Council erred in its decision making and balancing of the appeal proposal.
7. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated and an award of costs is not warranted.

T Gethin

INSPECTOR