



Costs Decision

Site visit made on 15 October 2024

By Colin Cresswell BSc (Hons) MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2024

Costs application in relation to Appeal Ref: APP/D0840/W/24/3338742 Land to South of Seaward Barn, Lower Boscaswell, Pendeen, TR19 7ER

- 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 John McGowan for a full award of costs against Cornwall Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for construction of dwelling
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Decision

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

Reasons

2. I understand that the Council failed to determine the application on time because an error was made during the consultation process which needed to be rectified. While this was not the fault of the appellant, the PPG¹ advises that costs apply to unnecessary or wasted expense incurred during the *appeal* process rather than the application process.
3. The appeal could not have been avoided even if the Council had determined the application on time. The Council's Appeal Statement indicates that the proposal would have been refused for a number of reasons. These reasons are all well substantiated by evidence. Hence, this is not a case of preventing or delaying development which should clearly be permitted.
4. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

Colin Cresswell

INSPECTOR

¹ National Planning Practice Guidance.