



Costs Decision

Site visit made on 17 September 2024 by S Wilson LL.B. MSc MRTPI

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Costs application in relation to Appeal Ref: APP/D0840/W/24/3343366 Bowls Barn, Castle Road, Ludgvan, Penzance, TR20 8HD

- 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 Messrs P W J, K J and J Osborne for a full award of costs against Cornwall Council.
 - The appeal was against the decision of PA22/09836 to refuse planning permission for the demolition of a building and construction of a dwelling and garage.
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Decision

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

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and 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 appellants state that the Council has acted unreasonably by considering inaccurate details regarding the proposal's impact, namely that the existing lawful use of the appeal site and its use of the access is no different to that of the proposal. It is stated that there would be no harmful change in the present use of the entrance neither in volume of traffic nor the nature of the vehicles generated by the proposed use. The appellants also set out that the Council has acted unreasonably in the amount of time it took to determine the appeal and a lack of communication associated with the application.
5. Dealing with the delay and communication first. The PPG sets out that an award of costs can only be awarded for the appeal process. Refusal of planning permission in itself, is not a sufficient justification for a costs claim. Matters concerning delay to determination and communication during that process are outside the scope of this procedure.
6. Turning now to the matter of use of the access in its existing lawful use and comparison to the proposed use. For the reasons set out in the appeal decision

I agree with the Council that the proposal would increase the use of an inadequate access leading to unacceptable impacts on highway safety. I therefore do not agree that the Council has made inaccurate assertions regarding the proposal's impact.

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 not justified.

Scott Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for an award of costs is refused.

Mr A Spencer-Peet

INSPECTOR