



Costs Decision

Site visit made on 19 November 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: 09 December 2024

Costs application in relation to Appeal Ref: APP/D0840/W/24/3343075 Longdowns Industrial Estate, Longdowns TR10 9NA

- 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 Des Allen of Truro Portable buildings for a full award of costs against Cornwall Council.
 - The appeal was against the refusal to grant permission in principle for the construction of up to 5 dwellings.
-

Decision

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

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 appellant alleges unreasonable behaviour of the Council on two grounds:
 - That the reason for refusal relating to noise and disturbance is something that could have been dealt with by the Technical Details Consent stage.
 - That the Council have delayed a development which should clearly be permitted by Policy 5 of the Cornwall Local Plan Strategic Policies 2010 – 2030 due to a misreading of the policy and insisting on a marketing report.
5. The consideration of the location under this permission in principle is intrinsically linked to its relationship with the industrial estate and, as such, the effect on the living conditions of future occupiers is a critical factor of consideration of the location at the first stage. The Council has therefore not acted unreasonably in terms of considering this matter at the first stage of a permission in principle.
6. It is suggested that the Council have prevented or delayed development which should clearly be permitted having regard to its accordance with the development plan, national policy and other material considerations. Whilst it will be seen from the appeal decision that the proposal would accord with the

requirements of Policy 5, the proposal would conflict with the policies of the development plan when taken as a whole. Consequently, the Council have not prevented or delayed development which should clearly have been permitted.

Conclusion and Recommendation

7. With the above in mind, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not justified. I therefore recommend it is refused.

S Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and my representative's report and on that basis the application is refused.

Mr A Spencer-Peet

INSPECTOR