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## Costs Decision

Site visit made on 11 December 2024

**by H Nicholls FdA MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 December 2024**

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### **Costs application in relation to Appeal Ref: APP/D0840/W/24/3348625 Portholland West Car Park, West Portholland, Portloe TR2 5PU**

- 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 Initial Parking Limited for a full award of costs against Cornwall Council.
  - The appeal was against the refusal of planning permission for (retrospective) installation of 1x payment machine, 1x ANPR camera and 1x pole (for ANPR camera).
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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 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.
3. The applicant asserts that the Council has failed to properly consider the application against relevant local policies and legislation and has simply repeated an earlier reason for refusal. It is also suggested that the Council predetermined the application, failed to take relevant material considerations into account and has therefore put the applicant to the wasted expense of having to resort to an appeal.
4. The Council indicate that the reason for refusal is substantiated by clear, site-specific evidence, including the views of relevant consultees, which amounts to more than vague or generalised assertions. The Council also submit that the applicant's disagreement with its conclusions and undue weight placed on the allowed advertisement appeal does not amount to evidence of unreasonable behaviour.
5. Despite the similarities between the reasons for refusal, I do not consider that the Council failed to take account of material considerations or that there is clear evidence of the Council having predetermined the case. The Council's case has been substantiated in writing and whilst I have reached different conclusions and allowed the appeal, the case had merit and I do not consider that the applicant incurred unnecessary costs in the pursuit of an appeal.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*H Nicholls*

INSPECTOR