



Costs Decision

Site visit made on 10 December 2024

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2025

Costs application in relation to Appeal Ref: APP/D0840/D/24/3339211 7 Waterloo Close, St Mawes, Cornwall TR2 5BD

- 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 Mark Mansell for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for an additional storey to existing dwelling with proposed detached garage.
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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.
3. The applicant's case for a full award of costs is that the Council in refusing the planning application made vague, generalised and inaccurate assertions about the proposal's impact which were unsupported by any objective analysis and in so doing, the Council unreasonably withheld planning permission for development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The Planning Committee refused the planning application contrary to officer advice. Whilst they are not duty bound to follow the advice of its professional officers, if a different decision is reached the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
5. I note that the applicant has expressed concerns that the Council failed to upload relevant information about the application to its website in a timely manner. This, they say, meant that members of the planning committee took into account inaccurate information which the applicant had not seen or had the chance to comment on. They also say that inaccurate statements made by members of the planning committee were not corrected by officers.
6. However, the Council have supplied a copy of the presentation provided to members of the Planning Committee by its officers. It clearly shows the details of the proposal, its relationship to surrounding properties, photographs of the

site and the surrounding area and 'agents comparison' photographs. Members of the Planning Committee therefore had a wealth of information before them, including the detailed officers report, on which to make their decision.

7. In addition, I have also seen the submitted committee minutes and a transcript of the meeting. These clearly demonstrate that the matter was subject to a comprehensive debate regarding the merits of the proposal. Whilst I have not found in the Council's favour, the reason for refusal is clear and references relevant policies. The decision is one which is a matter of judgement.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Alison Fish

INSPECTOR