



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: 22 January 2025

Costs application in relation to Appeal Ref: APP/D0840/W/24/3344833 Field South of Penarrow Road, Mylor Churchtown, Cornwall TR11 5UD

- 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 Cornwall Council for a full award of costs against Mr Nick Jarvis (Working Woodland Cornwall CIC).
 - The appeal was against the decision of PA23/09496 to refuse planning permission for use of site for timber processing and drying including erection of two polytunnels for use as solar kilns, erection of barn for storage of equipment, erection of 5 kWp ground mounted PV array, new track, hardstanding and erection of compost toilet.
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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 Council state that the Respondent has acted unreasonably by submitting the same planning application twice and appealing both refusals leading to unnecessary administration of the subject appeals and preparation and submission of the appeal documentation.
5. The evidence shows that the applications that led to the appeals appear to differ only in some minor amendments. The first appeal concerned planning application PA22/10574, with that application being submitted without a professionally produced Landscape and Visual Appraisal (LVA). The second appeal, which is the subject of this associated Costs Decision, concerned planning application PA23/09496 which, whilst relating to the same appeal site and same type of development as the first planning application, was submitted with an independently produced LVA and also included new and different proposals regarding additional landscaping. However, the first appeal was not

determined before the Council issued the refusal notice in respect of the second application.

6. The reasons for refusal for both appeals turned on matters of character and appearance and particularly visual impact on a National Landscape. Whilst the additional LVA information and new landscaping proposals submitted in conjunction with the second application was also submitted in evidence for the first appeal, it could have been the case that such amendments would have been seen as evolving the first application through the appeal process. Consequently, such amendments may not have been accepted. Appealing against the refusal of the second application, which mirrored the refusal in respect of the first application, was not unreasonable given the fact that the appeal which concerned the first application, had not been determined at the point of submitting the appeal which related to the second application.

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