



Costs Decision

Site visit made on 8 January 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2025

Costs application in relation to Appeal Ref: APP/D0840/W/24/3343662

24 Cape Cornwall Street, St Just, Cornwall TR19 7JZ

- 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 Jon Olds for a full award of costs against Cornwall Council.
 - The appeal was against the refusal to grant subject to conditions planning permission for use of the rear extension as a holiday let.
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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. Paragraph 049 of the PPG sets out the examples of unreasonable behaviour by local planning authorities which includes preventing or delaying development which, should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis; refusing planning permission on a planning ground capable of being dealt with by condition and not determining similar cases in a consistent manner.
4. The decision is ultimately a matter of planning judgement based on the merits of the proposal and the information submitted. Whilst I have not sided with the Council with regard to the merits of the proposed development the Council produced a cogent report and has substantiated its position on appeal rather than vague, generalised or inaccurate assertions. There is nothing substantive to indicate that they failed to give due regard to the planning merits of the case or gave undue weight to the comments of the Cornish Mining World Heritage Site Office. In addition, the reasons for refusal set out in the decision notice are complete and relevant to the application. It also clearly states the policies of the development plan that the proposal would be in conflict with. As a result, it follows that I do not agree that the Council acted unreasonably in this case.
5. The National Planning Policy Framework states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Whilst the applicant suggests that conditions would address matters, it is still a matter of planning judgement for the

decision maker to come to a view as to whether their concerns would be overcome through the imposition of conditions. The Council did not act unreasonably by exercising planning judgement and determining that conditions would not address their concerns.

6. The appellant has referred to applications for holiday accommodation and the creation of a rear extension elsewhere in Cornwall. From the limited information before me there is no compelling evidence to clearly indicate that the cases are similar or that the Council has been inconsistent in its decision-making process.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason an award of costs is not justified.

B Thandi

INSPECTOR