



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: 06 February 2025

Costs application in relation to Appeal Ref: APP/D0840/W/24/3343450

Land east of Treliske Lane, Malabar, Truro TR1 3QL

- 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 Source Development (Cornwall) Limited.
 - The appeal is for up to five residential dwellings.
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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 right of appeal is a statutory right, however, the PPG states that the right of appeal should be exercised in a reasonable manner. An appellant is at risk of an award of costs being made against them if the appeal or ground of appeal has no reasonable prospect of succeeding. This may occur when the development is clearly not in accordance with the development plan, and no other material considerations are advanced that indicate the decision should have been made otherwise or where other material considerations are advanced, there is inadequate supporting evidence.
4. In respect of the merits of the scheme the appellant's case essentially rests on whether the development proposals would constitute a "rounding off" of Truro. The assessment of this matter and the effect upon the character and appearance of the area are essentially matters of planning judgement.
5. The Cornwall Local Plan (LP), at paragraph 1.68, provides guidance on what the Council consider to be "rounding off". This is further embellished in the Chief Planning Officer's Advice Note: Infill/Rounding Off.
6. As seen from my decision the proposed development does not constitute a "rounding off" of Truro and I have found that the Council had legitimate concerns about the impact of the proposed development which justified its decision relating to this matter in addition to the impact upon the character and appearance of the area.

7. In this regard I am of the view that the appellant has undertaken somewhat of a selective assessment of the appeal site and its context. The same could also be said for their analysis of the guidance provided in the LP and the Advice Note resulting in a case lacking some substance.
8. Furthermore, I find that the appellant has misdirected themselves by referring to Policy 1 of the Site Allocations Development Plan Document (DPD). It is clear from paragraph 1.7 of the document and Policy 1 that there are no DPD policies specific to Truro on account of the “made” neighbourhood plan.
9. Based on the evidence before me, I am not persuaded that the arguments advanced in respect of policies pulling in different directions, affordable housing and the presumption in favour of sustainable development, set out in the appellant’s Planning Appeal Statement, have been fully developed either.
10. That said, the case hinged on matters of planning judgement and professional opinion. Whilst I am underwhelmed by some of the arguments advanced by the appellant, on balance, I am content that their case was adequately presented in respect of the merits of the case and that the appeal has been exercised in a broadly reasonable manner.

Conclusion

11. 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