



Costs Decision

Site visit made on 04 February 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Costs application in relation to Appeal Ref: APP/D0840/W/24/3350397 Land West of Prue on the Hill, St Austell PL25 5AP

- 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 Graham Broad.
 - The appeal was against the refusal of planning permission for a four bedroom detached house on client owned Land West Of Prue on the Hill, Trenance Road, St Austell, Cornwall PL25 5AP.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 Council submit that the appeal had no reasonable prospect of success and that the Council set out their stance in relation to the development during the course of a pre-application enquiry and earlier planning application. It is stated that the applicant's submission is lacking, does not adequately address the conflict with the development plan or advance any material considerations in support of the proposal. It is stated that this resulted in the unnecessary and wasted expense of the appeal.
4. The PPG sets out that an appellant is at risk of an award of costs being made against them if the appeal or ground of appeal had no reasonable prospect of succeeding. An example of unreasonable behaviour given in the PPG is when the development is clearly not in accordance with the development plan, and no other material considerations such as national planning policy are advanced that indicate the decision should have been made otherwise, or where other material considerations are advanced, there is inadequate supporting evidence.
5. The applicant's statement of case does not address the Council's concerns regarding the conflict with the development plan in any meaningful way. The assertion that the site is not located in the open countryside is not substantiated, nor is the assertion that the proposal would not have an adverse impact on the character and appearance of the area. Indeed, there is no detailed consideration of the effect of the proposal on the landscape character area.

6. Whilst reference is made within the applicant's statement of case to a 'recent' application¹ for a new dwelling near to the application site, the applicant fails to address the Council's comments in the officer report which sets out that this site comprised previously developed land, that the reserved matters application followed the grant of outline planning permission in a different planning policy context and that this proposal preceded the publication of the Chief Planning Officer's Advice Note: Infill Rounding Off (2017) which provides clarity on the locally adopted approach in relation to matters such as settlements. No other substantive material considerations in favour of the proposal are advanced by the submission.
7. I therefore agree with the Council's point that the applicant's submission neither addresses the conflict identified by the Council with the development plan, nor advances material considerations in support of the proposal. Therefore, the submission fails to substantiate the grounds of appeal. I therefore regard the appellants conduct as unreasonable in the terms of the PPG.

Costs Order

8. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers enabling me in that behalf, I HEREBY ORDER that Mr Graham Broad shall pay to Cornwall Council the costs of the appeal proceedings, such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The Council is now invited to submit to Mr Graham Broad, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

N Robinson

INSPECTOR

¹ PA17/06967