

Costs Decision

Hearing Held on 10 January 2025

Site visit made on 12 November 2024 and 10 January 2025

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2025

**Costs application in relation to Appeal Ref: APP/D0840/W/24/3349031
The Paddock, St Stephen Road, Sticker, St Austell, Cornwall PL26 7HA**

- 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 H Crocker for a full or partial award of costs against Cornwall Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for extension to existing Gypsy & Traveller site.
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Decision

1. The application is refused.

Reasons

2. The Planning Practice guidance (the PPG) advises that irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant asserts that the Council delayed development which should clearly be permitted. Further, the Council failed to produce evidence to substantiate each reason for refusal and introduced new policies beyond those raised in the reason for refusal. It failed to consult the in-house Historic Environment Service at the application stage, before raising the issue of the potential for archaeological disturbance at the appeal. The Council also dropped the parking element of the reason for refusal during the appeal.
4. Given the issues in dispute, whether permission should be granted in this case comes down to planning judgment. The planning committee were exercising that judgment and the Council's position has been adequately substantiated at the appeal. This includes its reference to the storage of equipment, which the Council explained at the Hearing related to Criterion 7 of Policy 11.
5. I do not consider that it was unreasonable for the Council to withdraw the parking issue, as doing so logically saved discussion time at the Hearing. The applicant dealt with this matter very swiftly within the main body of the appeal statement in any case. Whilst the Council sought to rely on Policy 11 of the NDP at the appeal, it is a policy which is relevant to the issues at hand and was also raised by interested parties. That meant that I was bound to consider it, and by extension the applicant was too, regardless of whether or not the Council introduced it into its evidence.

6. The reference to the possible archaeology at the site did raise the prospect of a heritage related main issue at the appeal. However, the Council immediately clarified that it did not seek to introduce a new main issue, but was simply referencing the NDP's landscape appraisal. The Council's position was quickly refined during exchanges such that the applicant was not obliged to seek expert archaeological evidence. It was also possible to assess the merits of the Council's suggested archaeology condition without instructing a specialist.
7. At the Hearing the applicant further alleged that the Council was unreasonable in its interpretation of 'away' in Paragraph 26 of the PPTS. Again, however, this falls within the realm of planning judgment to be made on a case-by-case basis. The matter was as also dealt with in brief oral exchanges. Equally, the Council was entitled to put forward the position that a business use should be required under terms of Policy 11, albeit I ultimately did not agree.
8. Accordingly, the Council's conduct does not constitute unreasonable behaviour that has directly resulted in unnecessary or wasted expense in the appeal process, as described in the PPG. The PPG states that the parties in planning appeals normally meet their own expenses, and these are the circumstances present here. An award of costs is not justified.

Matthew Jones
INSPECTOR