



Costs Decision

Site visit made on 25 February 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Costs application in relation to Appeal Ref: APP/D0840/W/24/3350017

Top Field, Treheveras Farm, Treheveras, Truro TR4 9BY

- 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 award of costs against Mr & Mrs Paul & Manti Bent & Tauren-Bent, Treheveras Farm.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for 'Historic paddle steamer 'Compton castle' currently at Lemon Quay Truro to be crane lifted from its mooring and transported to the B3284 and then crane lifted from its mooring and translocated to the B3284 and then crane lifted onto our top field at Treheveras onto a prepared concrete plinth with railway sleepers to assist with existing farm crate sales business and renovate to its former glory - as we are both members of the Paddle Steamer Renovation Society.'
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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 applicant states that they have incurred unnecessary and wasted expense as the appellant's have pursued an appeal unreasonably without sound grounds for appeal, have not behaved in a reasonable way and that nothing indicates that a decision should have been made otherwise. Furthermore, the applicant states that the appellant's have demonstrated a complete misunderstanding and misinterpretation of the relevant legislation that is easily understood with the proposal failing on three counts with only a single count needed for the appeal to fail.
4. In response, the appellant's state that they understand parties normally meet their own expenses, that there is no evidence that either party has acted unreasonably or caused the other unnecessary or wasted expense. Furthermore, they state that the applicant's case is difficult to follow, that there are good grounds for the appeal, that the structure is designed for horticultural purposes, the land is being used for agricultural purposes with the site further than 25 metres from the B3284 in a 'real world' situation.
5. In response to this, the applicant reiterates that the appellant's have a complete misunderstanding of the workings of the GPDO, that a boat planted with flowers is not an agricultural building and that the word 'Farm' in a property's name does not automatically signal an agricultural holding. As a result, the appellant's fail to apply some common sense.

6. While I acknowledge that I have found in favour of the applicant in my main decision with regard to two of the three stated limitations of the GPDO, it is clear that the appellant's strongly believe the arguments they have put forward and they were entitled to use the appeal process to test their case. Although I have found that the structure has not been designed for agricultural purposes and lies within 25 metres of a classified road, the appellants put forward arguments and evidence explaining their case. Furthermore, and although the appellant's have mis-understood the relevant parts of the GPDO, they have interpreted it as they understand and read it, are not professional represented, and I have found in their favour in relation to the other stated limitation.
7. In light of the above, I do not find that the appellant's acted unreasonably in pursuing the appeal or through their understanding of the GPDO. This did not therefore lead to unnecessary or unreasonable costs for the applicant.
8. Accordingly, I find that unreasonable behaviour on procedural or substantive terms resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
9. The application for an award of costs must therefore fail.

C Rose

INSPECTOR