



Costs Decision

Site visit made on 26 February 2025

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2025

Costs application in relation to Appeal Ref: APP/D0840/W/24/3351090

Prow Park Business Village, Treloggan Industrial Estate, Newquay, Cornwall TR7 2SX

- 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 Baylor Julian (R T Julian & Son Ltd) for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for Parking and storage.
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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. The applicant considers that the Council acted unreasonably by delaying development that should have been permitted; not producing evidence to substantiate the reason for refusal; and making generalised, inaccurate and unsupported assertions about the impact of the proposal.
3. I have noted the contents of the Committee Report, the recommendation of the Council's Officers and the minutes of the Central Sub-Area Planning Committee meeting where the planning application was considered by Members. However, Members are not required to accept the professional advice of Officers so long as a case can be made for the contrary view.
4. Although various questions, concerns and issues were raised during the Committee meeting, the planning application was refused on one ground which was not specifically covered by the suggested planning conditions. In this case, the Council's refusal reason is complete, precise, specific and relevant to the proposed development. It details the Council's ultimate position – following Members' debate and vote at the Committee meeting – that the development would harm the character of the site and surrounding area; and it lists the planning policies that Members consider the development conflicts with.
5. Although putting forward a contrary case to the Committee Report, the Council's appeal statement subsequently expands upon the refusal reason and, in significant detail, sets out the Council's concerns with the appeal proposal. The applicant's suggestion that the site is on existing employment land and the allegation that the Council made generalised, inaccurate assertions about the proposal's impact are not substantiated by the evidence submitted at appeal.

6. Whilst I have come to a different view to the Council overall, and in relation to its position that the development would extend into the open countryside, its submissions are therefore sufficient to defend its decision to refuse planning permission. My finding on the main issue also broadly aligns with the Council's reason for refusal and the cited policies, and indicates that the development should not clearly have been permitted.
7. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated and an award of costs is not warranted.

T Gethin

INSPECTOR