



Costs Decision

Site visit made on 27 January 2025

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2025

Costs application in relation to Appeal Ref: APP/D0840/W/24/3336515 Belle Vista, Hillhead Road, Kergilliack, Cornwall TR11 5PA

- 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 Richard Scott and Ms Gina Craig for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for development described on the planning application form as 'Outline planning permission with some matters (appearance, landscaping, layout and scale) reserved for the demolition of an existing dwelling and construction of up to 4 replacement dwellings and associated works'.
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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 costs application relates to the first reason for refusal. The applicants state that the Council determined the planning application quickly and in doing so, failed to properly consider the proposal. The applicants' case is that the Council made vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis and prevented or delayed development which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. Costs cannot be claimed for the period during the determination of the planning application although behaviour and actions at the time of the planning application can be taken into account in my consideration of whether or not costs should be awarded.
5. The Council's Officer report and subsequent appeal statement sets out why the Council found the location of the appeal site to be unacceptable in terms of its compliance with the development plan and in terms of its accessibility to services and facilities. It also clearly sets out the Council's concerns in terms of the impact of the proposal on the character and appearance of the area.
6. Whilst I did not find in the Council's favour in terms of the latter issue, I have found that the proposal would be contrary to the development plan, and I have dismissed the appeal. Accordingly, I have found that the Council had reasonable concerns about the impact of the proposal which justified its decision and that the Council's

case for refusal was well-founded. An appeal could not have been avoided and it therefore follows that the applicants have not been put to unnecessary or wasted expense.

7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is therefore not justified.

Alison Fish

INSPECTOR