



Costs Decision

Site visit made on 18 March 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Costs application in relation to Appeal Ref: APP/D0840/W/24/3352652

Land north of Hembal Lane Farm, Hembal Road, Trewoon, St Austell, Cornwall, PL25 5TD

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr T Lansdowne (Cory Lansdowne Estates Ltd) for a full award of costs against Cornwall Council.
 - The appeal was against the refusal to grant permission in principle for the construction of up to 4 dwellings.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance (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. The PPG reference to “*unreasonable*” should be used in its ordinary meaning.
3. The Appellant’s application for costs raises substantive points. The PPG states that local planning authorities (LPA) will be at risk of an award being made against them if they fail to produce evidence to substantiate their reasons for refusal.
4. The Appellant contends that the LPA did not exercise their duty to consider the application in a reasonable manner, they misunderstood and misapplied policy and that their decision was not based on any objective analysis. The LPA, therefore, prevented development which should have been permitted resulting in the Appellant incurring the unnecessary or wasted expense of an appeal.
5. From the reason for refusal, the LPA’s Delegated Report (LDR), the documents submitted with their Questionnaire and their Statement of Case (SOC), I fully understood the LPA’s reasoning and the case it was putting forward. Based on all of this evidence, I recognised that the LPA’s objection related to whether the appeal site was suitable for the development proposed having regard to local and national policies on the location of new housing. Also, that the LPA contended that the appeal proposal would have a harmful impact on the character and appearance of the area.
6. Whilst I found that the appeal site was suitable for new housing and constituted rounding-off, that was based on my own assessment of the submitted evidence.

There were a number of steps to that assessment, including interpreting policy 3 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and its supporting text, as well as the guidance in the Chief Planning Officers Advice Note: Infill/Rounding-off (CPOAN), and the relationship and relevance of policies 1 and 2 of the St Mewan Parish Neighbourhood Plan. I also had regard to my own observations on site and applied my judgement to those considerations in reaching a finding on the issue.

7. The CPOAN makes clear that what constitutes either infill or rounding off should be assessed on a case by case basis. That is consistent with the established principle that each proposal should be assessed on its individual merits having regard to its local context and the particular circumstances of the case. Reaching a finding on all these issues required, therefore, a thorough review of the policies and associated guidance, as well as a thorough review of the submitted evidence.
8. The LPA applied its own judgement to the relevant policies and considerations, and sought to justify the reasons for its position through its LDR and SOC. That is an entirely reasonable approach for it to take. Whilst I did not agree with their findings in relation to rounding off or the appeal schemes compliance with the development plan, I do not consider that the LPA behaved unreasonably in its presentation of or the evidence it submitted in support of this specific aspect of the case.
9. As to the impact on character and appearance, that too requires an assessment of the relevant policies and designations, if any, that apply to the site and a detailed analysis of the sites relationship in visual, functional and physical terms to the existing settlement and open countryside. The observations I made on site were again an important part of that assessment, as is the planning judgement I applied in reaching a finding on the effect of the proposal on the character and appearance of the area. Whilst I agreed with the Appellants findings in this respect I am again satisfied that the LPA provided its own reasoning and evidence as to why it had reached an alternative view.
10. I do not consider that the LPA behaved unreasonably and they provided sufficient evidence to support their objection to this specific aspect of the case.
11. Given the above, I cannot agree that the LPA acted unreasonably in this case.

Conclusions

12. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. A full award of costs is therefore not justified.

G Roberts

INSPECTOR