



Costs Decision

Site visit made on 18 February 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 May 2025

Costs application in relation to Appeal Ref: APP/D0840/W/23/3335156

Land adjacent to Valley View, Callington Road, Harrowbarrow PL17 8AZ.

- 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 Graham Richards, Apartment 39 for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for is 6 new family dwellings consisting of 2 x 3 bed affordable, 1 x 2 bed affordable with 2 x 4 bed and 1 x 3 bed open market dwellings.
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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's application for costs is based on the alleged unreasonable behaviour of the Council and wasted expense, for the reasons considered below.
4. The reason for refusal alleges that the proposed development fails to provide 1 bedroom dwellings, and therefore fails to reflect the nature of the identified local housing need in the parish of Calstock.
5. The submitted scheme is advanced as a proposal for a rural exception site. Policy 9 of the Cornwall Local Plan, says that the number, type, size and tenure of dwellings brought forward under these rural exceptions policies must reflect identified local needs as evidenced through the Cornwall housing register or any specific local surveys completed using an approved methodology. Policy HP4 of the Calstock Neighbourhood Development Plan also requires that the housing mix reflects the nature of the identified local housing need.
6. Previously, in refusing planning application (Ref. PA21/09916) which was for a similar development at the appeals site, the Council did not raise the mix of affordable housing and in particular the absence of 1 bed affordable housing accommodation as a reason for refusal. Nonetheless, in the appeal arising from the refusal of planning application PA21/09916, the submitted Unilateral Undertaking, which included an obligation relating to affordable housing was not given any detailed consideration because the Inspector dismissed the appeal for another reason.

7. In respect of the planning application, which is the subject of the appeal before me, the Council's Affordable Housing Officer supported this, including the mix and tenure of affordable housing. I also acknowledge that if the lack of 1 bed affordable housing was a reason for refusing the application, there appears to be no reason this matter could not have been raised and addressed by officers during the planning application stage.
8. In determining the applicant's appeal, I have found that there does appear to be a greater need for 1 bedroom affordable dwellings in the area. Despite this, I have also found that there is a need for 2 and 3 bedroom affordable housing. Therefore, in my view, the proposed housing mix also reflects local housing need. This is a matter of planning judgement for the decision maker, which involves some subjective analysis having regard to the proposal, the development plan and other material considerations. Indeed, at the time of determining the applicant's appeal, the Council cannot demonstrate a 5-year supply of housing land, which has also influenced my decision.
9. With regard to the appeal scheme before me, the Council's East Sub-Area Planning Committee went against the advice of the Council's professional officers. Planning Committees are not bound by a professional recommendation and are entitled to depart from this based on the facts of the case and planning judgment. However, this is not an unqualified right, as members of a planning committee must be able to properly substantiate any concerns identified.
10. In this case, the Council's East Sub-Area Planning Committee, as the decision maker made a planning judgement that because the proposed scheme did not include any 1 bedroom dwellings, this failed to reflect local housing need. Moreover, and despite not coming to a similar view on the previous application at the appeal site, the Council's reason for refusal is clear and includes reference to the relevant development plan policies. Furthermore, the Council's assertions regarding the proposed housing mix are supported by sufficient analysis as set out in its appeal submission.
11. Given all of the foregoing, and despite finding the appeal in the applicant's favour, I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated. Therefore, a full award of costs is not justified.

M Aqbal

INSPECTOR