
Costs Decision

Site visit made on 7 May 2025

by **H Faulkner BSc (Hons) MSc PGCE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 July 2025

Costs application in relation to Appeal Ref: APP/D0840/W/24/3352503 Land Adj to Parc Vean House, Coach Lane, Redruth, Cornwall TR15 2TT

- 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 Clive Preston for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for the construction of two semi-detached 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. Unreasonable behaviour on the part of a local planning authority may include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
4. On the substantive grounds the applicant's claim is that the Council acted unreasonably in the following ways: refusing to accept minor amendments to overcome concerns, failing to work proactively, refusing the application on drainage grounds which could have been conditioned and incorrectly refusing the application in relation to reasons 3 and 4.
5. The PPG is clear that parties are expected to behave reasonably throughout the planning process. The 8-week determination date for the application was 26 March 2024. In an email dated 8 March 2024 the Council outlined their concerns with the proposals and offered the applicant the opportunity to withdraw the application. This was well in advance of the determination date. Within the email the Council state that its normal position is not to accept amendments after validation in accordance with the Council's policy on this matter. Reference to the acceptance of amendments is also included in the letter sent to applicants when an application is validated.
6. In respect of the amendments the Council took the view that they were not minor in the context of the application and would result in further consultation being required. Therefore, it did not accept the revised drawings. The Council provided

justification for why it did not consider the amendments to be minor in nature. I agree that the changes would result in a material change to the application, requiring further consultation to be carried out and possible delay in the Council issuing a decision. In any event the Council also suggested that the amendments may not overcome its concerns.

7. During the application process the Council communicated in a timely manner. They offered advice and presented the options available to the applicant. The position in respect of amendments and the offering of a pre-application service is a reasonable approach. I find that the Council acted positively and proactively and were justified in not accepting the amended drawings. Furthermore, given the other reasons for refusal, even if the amendments had been accepted it is likely that the appeal could not have been avoided in any event.
8. With regards to the matter of drainage the Local Lead Flood Authority commented on the application and did not consider the information provided to be sufficient to demonstrate that surface water drainage would be adequately dealt with. Given that the site is within a Critical Drainage Area this is particularly important. Without clarity over whether a suitable drainage strategy could be achieved it was reasonable for the application to be refused on this basis rather than a condition being attached in the event of an approval. The Council accepted the details when provided at appeal leading to refusal reason 2 not being pursued.
9. In respect of reasons 3 and 4, given my findings on this matter in the appeal decision it follows that I find the Council were not unreasonable for refusing the appeal on these grounds. As a result, there was no wasted expense for the applicant in submitting the appeal.
10. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted 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.

H Faulkner

INSPECTOR