



Costs Decision

Site visit made on 19 March 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Costs application in relation to Appeal Ref: APP/D0840/W/24/3351349

Little Trerank, Access Road to Little Trerank, Roche, Cornwall PL26 8EU

- 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 Mrs Carol Bennett for a full award of costs against Cornwall Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for decision on an application for consent, agreement or approval to details required by a condition of a planning permission in relation to conditions 1 and 2 attached to APP/D0840/C/22/3304291.
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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. The applicant cites three procedural reasons for unreasonable behaviour by the Council: that it failed to validate the application in a timely manner, it did not engage with the applicant in respect of the application and that it failed to determine the application within the statutory timeframe. The applicant also states that the Council did not take into consideration the findings in the Decision letter and approve the scheme.
5. Further to this a substantive award is sought on the grounds that the Council introduced matters relating to the principle of the development at the appeal stage which were not raised with the applicant at the application stage.
6. It is apparent that there were delays from the Council in validating the application, in part due to the request for the appeal decision notice and also due to the plans needing to be updated to include scale bars. While the Council could have responded in a timelier manner the delays were partially due to insufficient information being initially submitted by the applicant.

7. The Council failed to give notice on the application within the prescribed period and communication during the initial period of the application was lacking. However, the reasons for the delays were outlined in the emails between the parties in early August 2024. In the email of 8 August 2024, the Council confirmed that it would not approve the details submitted. It was clear at this point that the application was going to be refused and whilst a formal decision was not issued an appeal was inevitable and led to the applicant making the appeal in early September.
8. In respect of these procedural matters whilst the Council could have improved their management of the application they did eventually communicate with the applicant and outline their intended outcome. I do not find that they acted unreasonably leading to any wasted expense.
9. In its email of the 8 August the Council outline their concerns with the proposal and make reference to the Decision Letter including referring to matters such as design and scale which form part of the Inspectors findings. In its appeal statement the Council provide a detailed response and reasoning in respect of why the design proposed could not be accepted and this includes reference to the Decision Letter. I do not find that it acted unreasonably in this regard.
10. The applicant's claim the Council added 'numerous matters which relate to the principle of the proposed development' at the appeal stage, however, they do not identify anything specific. The Council's case relates to the acceptability of the proposed design and whilst this may refer to the whole building this is not unreasonable as the form of the roof cannot be considered in isolation without considering how it appears on the building upon which it is situated. Reference by the Council to the original approval (PA14/10722) is not unreasonable as what has previously been considered to be acceptable on the site is relevant to the current assessment.
11. For these reasons, I find that unreasonable behaviour in procedural or substantive terms resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, an award of costs is not justified.

H Faulkner

INSPECTOR