



Costs Decision

Site visit made on 19 May 2025

by **C Cresswell BSc (Hons) MA, MBA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Costs application in relation to Appeal Ref: APP/D0840/W/24/3353741 Sunny Nook Stickenbridge, Perranarworthal, Truro, Cornwall TR3 7QW

- 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 & Mrs A Railton for a full award of costs against Cornwall Council.
- The appeal was against the refusal of permission in principle for erection of one dwelling.

Decision

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

Reasons

2. The appellant says that the Council did not keep to the statutory time limits when determining the original planning application. However, before there was an opportunity for the appellant to lodge an appeal for non-determination, the Council refused the application. It is implied that this was a deliberate attempt by the Council to prevent an appeal being made earlier in the process.
3. While these concerns are noted, the PPG¹ advises costs may only be awarded when a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the *appeal process*. The matters raised by the appellant relate to the period during the determination of the planning application rather than the appeal process and so this is not a circumstance where costs may be awarded.
4. Ultimately, an appeal was lodged, even though it was later than anticipated by the appellant. However, this is not a case of the Council having prevented or delayed development which should clearly be permitted. In my view, the Council has substantiated its reasons for refusal in this appeal.
5. My attention has been drawn to a decision by the Council to approve planning permission for a dwelling on another site in Stickenbridge (which appears to have been approved against officer recommendations). However, this does not necessarily set a precedent. In the current appeal, the Council explain in detail why it does not consider the proposal to be acceptable in terms of landscape harm and 'rounding off'. While I took a different view from the Council on these matters, it was reasonable for the Council to exercise its own judgement.
6. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

C Cresswell INSPECTOR

¹ Planning Practice Guidance (Appeals- advice on planning appeals and the award costs)