



Costs Decision

Site visit made on 5 August 2025

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

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Costs application in relation to Appeal Ref: APP/D0840/W/25/3364018

Trevoole Farmhouse, Trevoole, Cambourne, Cornwall, TR14 0RN

- 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 Travis Stephens for a full award of costs against Cornwall Council.
 - The appeal was against the refusal to grant planning permission for the conversion of redundant barn to dwelling.
-

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. 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.
3. 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 or proper analysis. The LPA, therefore, prevented development which should have been permitted resulting in the Appellant incurring the unnecessary or wasted expense of an appeal.
4. Whilst I have found the appeal proposal to be acceptable, in that the proposed conversion of the redundant barn would be compliant with policy and not result in any harm, that finding was based on the evidence presented, the policies of the development plan and those of the National Planning Policy Framework (NPPF). In relation to the conversion of the redundant barn it was based on policy 7 of the Cornwall Local Plan Strategic Policies 2010 – 2030 9CLP) and policy HT3 of the Crowan Neighbourhood Development Plan 2018 – 2030 (NDP), as well as those policies of the CLP seeking a sustainable approach to new housing development and the protection of the natural environment. In addition, policies C1 and T1 of the Climate Emergency Development Plan Document (DPD).
5. The LPA’s evidence comprised its Statement of Case (SOC), based on its reason for refusal. The SOC provided an explanation of the LPA’s objection to the appeal

scheme. From this I was able to ascertain the reasons why the Planning Committee reached their finding contrary to Planning Officers recommendations. The Planning Committee and LPA are, of course, not bound to accept the recommendation or advice given by its Planning Officers. Similarly, it is not uncommon for Planning Committee's to disagree with its Officers or in applying their own judgement to reach a different view to that of their Officers on the planning merits of a proposal.

6. There can, of course, be no guarantee that a positive response from Officers will lead to an application being approved. There is also no evidence to suggest that Planning Committee were not aware of their obligations to weigh up all the relevant issues and submissions in reaching a balanced decision. In this case, Planning Committee judged that the proposal would not be consistent with those policies that sought to promote a pattern of development that encouraged alternative modes of transport to the private car. Whilst I disagreed with that assessment the LPA provided evidence to support their approach including reference to the policies of the DPD.
7. Even so, I do share a number of the Appellants concerns in relation to the LPA's application of policy 7 and policy HT3, as well as paragraph 84 c) of the NPPF in relation to policies 1, 2 and 3 of the CLP and policy T1 of the DPD. As I found, I was not convinced that the latter restricted the application of the policies supporting barn conversions or required an assessment of the level of sustainability and accessibility that would apply to new built residential developments. However, the Council's position was that the proposal would also harm the character and appearance of the area, a finding that I also disagreed with for the reasons given in my main decision.
8. It is also clear that the appeal site had a long history and that there were strong objections to the proposal including from the Parish Council and Local Committee Member with concerns over the 'recasting' of the appeal building since it was built in 2014. As to the balancing exercise undertaken by the LPA, this is largely a matter of judgement and for the decision maker to weigh up and attach appropriate weight to the relevant policies and other material considerations. In this case, the LPA concluded that the proposal would represent an unsustainable sporadic form of residential development.
9. Whilst I did not agree with the LPA's findings, I am broadly satisfied that they did provide sufficient reasoning and evidence to support their objection.
10. On balance, therefore, I do not consider that the LPA acted unreasonably in this case.

Conclusions

11. Accordingly, I 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 not, therefore, justified.

G Roberts

INSPECTOR