



Costs Decision

Site visit made on 24 July 2025

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2025

Costs application in relation to Appeal Ref: APP/D0840/W/24/3358031 Land North of Canworthy Water, Canworthy Water, Launceston PL15 8UB

- 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 Windel Solar 4 Ltd for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for Development comprising the delivery of a ground mounted solar farm alongside associated infrastructure including distribution substation upgrades with the capacity to deliver approximately 42MW of renewable energy.
-

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. The applicant considers that the Council acted unreasonably by preventing or delaying development that should clearly have been permitted without clear justification and evidence; and introducing a new topic of concern/expanding on its refusal reason.
3. I have noted details in the Committee Report, the recommendation of the Council's Officers and the minutes of the Committee meeting where the planning application was considered. However, Members are not required to accept the professional advice of Officers so long as a case can be made for the contrary view.
4. In this instance, the Council's refusal reason is complete, precise, specific and relevant to the proposed development. Including the local planning policies that Members consider the development conflicts with, it details the alleged harm and the Council's position that the scheme's benefits are outweighed by the harm. Whilst it only cites the neighbouring solar farm, the reason for refusal also clearly references cumulative effects in general terms rather than only and specifically in relation to that one development. As such, the refusal reason does not only point to the Council being concerned solely with the impact of the appeal proposal combined with the neighbouring solar farm.
5. Accordingly, the consideration of the effects of the proposal in-combination with other relevant developments in the Council's appeal statement does not obviously go beyond the scope of (or unreasonably expand) the reason for refusal and cannot be considered an entirely new or unexpected matter. Neither the words preceding the reference to cumulative effects in the refusal reason nor the content of the presentation to Planning Committee members change this. With the statement of common ground not removing cumulative or in-combination effects as

an area of dispute, there is also no obvious inconsistency on this matter between that document and the Council's appeal statement.

6. Although the Council's approach to considering the appeal proposal's effect in combination with other solar farms may be somewhat simplistic and generalised, it does not mean that its reference at appeal to other development is unreasonable. Neither the Council's acceptance to remove certain related phrases from the draft statement of common ground nor the neighbouring solar farm being existing and thus forming part of the agreed baseline lead me to a different view.
7. The Council's appeal statement does not provide detailed technical evidence (such as a landscape and visual impact assessment) on the alleged landscape and visual harm. As per the statement of common ground, the Council also essentially accepts the appellant's assessment on the topic. However, with the Committee Report identifying and substantiating the landscape harm that would allegedly arise, and this being before the Planning Committee and the appellant, it seems to me that further detailed evidence on the alleged harm at appeal stage is not entirely necessary in this instance. In addition, the Council's appeal statement, including relatively extensive commentary on the matter in general, clarifies its position on the topic and includes for example reference to the scheme's alleged harm with regards to relevant aspects of documents such as plan-level landscape studies.
8. As such, the Council's case, whilst not as extensive as the appellant's, is neither insufficiently unsubstantiated nor excessively based on simple opinion, assertion or reliance on general documents of policy/principle/guidance. Although the statement of common ground shows that the Council agrees with the appellant's position (and that of its expert) on the landscape and visual impact, that agreed position also neither identifies no harm nor indicates that the topic is not subjective.
9. With the Committee Report identifying that the proposed development would result in some harm, and the main parties agreeing that there would be some landscape and visual harm arising from the appeal proposal, the ultimate position of each party essentially boils down to one of balance. The recommendation in the Committee Report was clearly based on such a balanced judgement, and the reason for refusal does the same, albeit taking a contrary position. However, Members were entitled to come to a different view that the scheme's benefits did not outweigh the harm, and the Council's appeal statement aligns with this. The refusal reason also references the scheme's 'clear benefits', the relevant national policy provisions and clearly weighs the alleged harm against the benefits. Furthermore, the Council signed up to the statement of common ground which details the scheme's benefits and the weight to be afforded to them.
10. Although I have come to a different overall view to the Council, the available evidence does not indicate that the proposed development should have clearly been permitted or that the Council gave insufficient consideration or weight to the scheme's benefits. The Council's approach to selecting parts of policies and guidance, rather than quoting them in full, is also not unusual and avoids unnecessarily lengthy submissions; and the reference to policies/guidance/statements which are not directly applicable to the scheme were in this instance more redundant or immaterial rather than unreasonable. The Council's decision to refuse planning permission did not thus unjustifiably prevent or delay development that should clearly have been permitted.

11. For the above reasons, the Council's submissions are sufficient to substantiate its decision to refuse planning permission. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated and an award of costs is not warranted.

T Gethin

INSPECTOR