



Costs Decision

Site visit made on 5 August 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2025

Costs application in relation to Appeal Ref: APP/D0840/W/25/3362315

Land Adjacent No's 1 And 2, Hillside Terrace, Carharrack, Cornwall, TR16 5RZ

- 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 Jackie Styles for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of permission in principle for the erection of one dwelling.
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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. The applicant states that the Council has behaved unreasonably, causing unnecessary and wasted expense in having to resort to the appeal process. The applicant believes that the Council was unduly swayed by third party objections. The applicant then undertook further discussions with the Council and offered to submit a new application. However, the applicant was given no reasonable alternative other than to proceed with an appeal. Furthermore, the applicant states that the Council has produced no evidence of any substance to defend its decision, should have accepted the principle of development, and has not taken on board another Costs Decision¹ (the Costs Decision) where it was advised that it should critically take consultee comments into account and that plot subdivision would have been an unreasonable reason for refusal.
4. The Council's response states that the refusal of planning permission in itself is not sufficient justification for a costs claim. It further states that the consultee response from the World Heritage Site Office (WHS) is a material consideration and that it would need good reason to reject that advice. Furthermore, the Costs Decision pre-dates the decision on the planning application and differs by being related to smaller gardens hidden from public view such that the two cases are distinguishable. As such the Council states that it has exercised its duties in a reasonable manner without undue expense put to the applicant.
5. The applicant has responded by accepting that there needs to be good reason to depart from consultee comments but states that the Council needs to consider if the matter is a material consideration and whether it would actually cause harm.

¹ APP/D0840/W/24/3343448

- The applicant states that the Council's case relates to the subdivision of the plot but that this has already occurred and is irreversible with land ownership not a material planning consideration. The applicant reiterates the previous comments regarding the offer to resubmit a planning application and findings in the Costs Decision.
6. The Costs Decision referred to by the applicant differs from the current appeal proposal by virtue of being generally screened from the public domain and involving the provision of a replacement garage rather than construction of a new dwelling. Furthermore, to my mind the Council's concerns relate to the effect from a new standalone residential dwelling rather than to the subdivision of the plot in isolation.
 7. The Council considered the comments from the WHS and makes clear in its Officer Report and Statement of Case why the matter is a material planning consideration and why it finds harm from the proposal in relation to these comments. It is clear that the Council agrees with the comments from the WHS and explained why there was no good reason, or other material considerations, to outweigh the harm identified. Moreover, the Council explains its concerns relating them to development plan policies and other relevant policy guidance and documents. As such, I do not find that the Council was unduly swayed by third party advice or failed to critically take the consultee comments into account.
 8. Given that the Council refused permission on the basis of harm from the principle of a dwelling on the site to the historic functional and spatial relationship of the appeal site to the terrace, it is understandable why the Council did not offer an alternative to proceeding to appeal. Regardless, it was within the gift of the appellant to submit another application if they so desired.
 9. The Council's reason for refusal relates to the introduction of a new stand-alone dwelling on a site that would harm the historic plot. The Council has addressed the land ownership matter in its evidence. Furthermore, I have found in favour of the Council in my main decision with regard to harm from a dwelling to the spatial and visual link of the appeal site to the terrace and its remaining gardens.
 10. I therefore find that the Council did not prevent or delay development that should clearly have been permitted, produced evidence to substantiate the reason for refusal supported by objective analysis, with its decision not to enter into pre-application discussions reasonable and unlikely to have resulted in the appeal being avoided or issues narrowed.
 11. In light of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Rose

INSPECTOR