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## 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: 28 August 2025

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### **Costs application in relation to Appeal Ref: APP/D0840/W/25/3359946**

#### **Little Menheer Farm, Higher Ninnis, St. Day, Cornwall TR16 5HD**

- 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 Ms Val Mason for a full award of costs against Cornwall Council.
  - The appeal was against the refusal of planning permission for the conversion of redundant stables into two dwellings.
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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 acted unreasonably on substantive grounds incurring professional and related costs in undertaking the appeal.
4. The applicant contends that the Council acted unreasonably as it:
  - prevented or delayed development which should clearly be permitted; and,
  - has failed to produce any evidence to substantiate claims that the appeal building is not structurally capable of being converted and that the proposal would fail to enhance the immediate setting.
5. In response, the Council state that it has justified its decision in its appeal statement with regard to Government guidance, the development plan and material considerations. Furthermore, the Council have explained how the proposal fails to result in enhancement with the Officer's Delegated Report assessing the proposal against the relevant tests in Cornwall Local Plan Policy 7 and the Chief Officer Note (CPO Note). The Council further state that it has referred to relevant appeal decisions supporting its case and that given discrepancies in the plans regarding the thickness of walls, it was entitled to take a precautionary approach with regard to the need for a detailed structural report. As a result, the Council state that it has not acted unreasonably providing evidence to support its case.
6. I have found in my main decision that the existing building is structurally capable of being converted. However, in light of the discrepancies in the thickness of walls on the existing and proposed plans, and given that any assessment of the suitability of the building in the absence of a structural survey is subjective with it not being

uncommon for applications for conversions to be accompanied by a structural survey, on balance I do not find the Council's precautionary approach to the structural suitability of the building to be unreasonable.

7. Although I have found in my main decision that the appeal proposal would enhance the immediate setting, the Council were entitled to come to a different conclusion. Its Officer Delegated Report and Statement of Case provide the reasons and evidence detailing why it came to its decision, including reference to the number of openings, extended garden area and likely paraphernalia. In my view the Council provided reasons for its concerns which justified its position. I do not therefore find that the Council failed to substantiate its decision in this regard.
8. Given the above, I do not find that the Council prevented or delayed development which should clearly be permitted.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*C Rose*

INSPECTOR