
Costs Decision

Site visit made on 19 August 2025

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2025

Costs application in relation to Appeal Ref: APP/D0840/W/25/3358451 Land East of Reen Hill, Bolingey, Perranporth, Cornwall TR6 0AS

- 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 Darran Goldby for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of permission in principle for construction of 2 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 (the 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 PPG gives examples of the type of behaviour that may give rise to an award of costs against a local planning authority. The application relies on two of these, namely:
 - making vague, generalised, or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and,
 - preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy, and any other material considerations.
4. It is contended that the reason for refusal inaccurately described the site as open countryside, which is not supported by any objective analysis, as it is surrounded by dwellings. It is argued that this has resulted in the impact of the development being exaggerated. In support of this argument, the applicant refers to the definition of open countryside in the Chief Planning Officer's Advice Note of December 2017 (the CPOAN) titled Infill/Rounding Off. In the CPOAN, the open countryside is described as land beyond the physical boundaries of existing settlements, where they have a clear form and shape, and is part of an expansive area before the next settlement. The CPOAN is not, however, part of the development plan.
5. The definition of open countryside at paragraph 2.33 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (the Local Plan), does not include the reference to an expansive area before the next settlement. Furthermore, the site lies outside the Development Boundary defined by Policy SD1 of the Perranzabuloe Neighbourhood Development Plan 2018-2030 (the Neighbourhood Plan).

Paragraph 4.2.1 of the Neighbourhood Plan explains that on one side of the boundary, those policies relating to the built-up area apply, while on the other, open countryside policies apply. As the site is outside the boundary, it was not inaccurate or unreasonable for the Council to refer to the site as being in the open countryside.

6. It is evident that the Council was aware of the relationship of the site with nearby dwellings when making its decision, and it provided a reasoned argument in its statement of case to justify its position that the proposal involved visual intrusion into the countryside. Although I found differently, the Council's conclusion that the site did not constitute rounding off was not irrational. The Council did not, therefore, act unreasonably on this issue.
7. The applicant also contends that the reason for refusal failed to acknowledge that the application was for permission in principle, and prejudged what could have been agreed through an application for technical details consent. In support of this contention, the application refers to a quote that is purported to be taken from the Council Officer's report. However, the attributed words do not appear in the report. Furthermore, the report clearly sets out the basis of the application, with an explanation of the two-stage approach to decision-making. The decision notice also makes it clear that the refusal was in response to an application for permission in principle. There is no evidence, therefore, that the Council acted unreasonably in this regard.
8. Overall, the decision required an element of planning judgement. The Council's statement of case provided a comprehensive and fully reasoned justification for its position. The fact that I came to a different conclusion does not mean that the Council acted unreasonably in delaying the development.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred, and an award of costs is not warranted.

Nick Davies

INSPECTOR