



Costs Decision

Site visit made on 20 May 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Costs application in relation to Appeal Ref: APP/D0840/W/24/3353141

Land to the North of Ship Inn, Portloe, Truro TR2 5RB

- 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 and Mrs C Alston for a full award of costs against Cornwall Council.
- The appeal was against the refusal of planning permission for the construction of a single self-build dwelling.

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. Unreasonable behaviour on the part of a local planning authority may include 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, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
4. The application is made on the basis that the Council has prevented development which should clearly be permitted and failed to produce evidence to substantiate a reason for refusal.
5. The Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence. In this case, the Officer Report and Decision Notice were clear, explained the reasons for refusal and why the proposal was unacceptable. Furthermore, the Council provided a Statement of Case at appeal stage that appropriately elaborated on its concerns and addressed the applicant's case. Consequently, the Council has provided reasons as to why it considered the appeal scheme to cause undue harm to the surrounding area including the Portloe Conservation Area and the Cornwall National Landscape.
6. The harm was generally related to architectural features such as the proposed fenestration as well as the use of external materials such as timber cladding.

Consequently, it differs significantly from the approved planning application in which the dwelling would use materials such as a natural slate roof and slate hanging. It will be seen from my decision that I disagree with the Council. However, this is a matter of planning judgement. Each application is determined on its own merit and accordingly, the Council's reasoning regarding a previous application and the comments of the National Landscapes Officer is not a significant consideration in regard to the application of costs before me.

7. Given all of the above, the Council did not behave unreasonably in its assessment of the application.

Conclusion

8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

B Astley-Serougi

INSPECTOR