
Costs Decision

Site visit made on 25 March 2025 by R Dickson BSc (Hons) MSc MRTPI

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

**Costs application in relation to Appeal Ref: APP/D0840/W/24/3357510
Land Adjacent to Boston Lodge, Broad Park Close, St Minver, Wadebridge,
Cornwall PL27 6PY**

- 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 Cornwall Council for a full award of costs against Will Owen.
 - The appeal was against the refusal of planning permission for a single building incorporating three light-industrial units (Class E(g) and B8) and a live/work unit.
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Decision

1. The application for an award of costs is refused.

Appeal Procedure

2. A representative of the Inspector has set out the recommendation below to which the Inspector has had regard before deciding the costs application.

Reasons

3. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, 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.
4. The PPG is clear that costs cannot be claimed for the period during the determination of the planning application although all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal, behaviour and actions at the time of the planning application can be taken into account in determining whether or not costs should be awarded.
5. The council's case for seeking an award of costs is based on a singular substantive matter, which is that the appeal had no reasonable prospect of succeeding.
6. The reason for refusal relates to the amount of outdoor space provided in the proposed development, and it stated the policies upon which the council found the proposal to be in conflict with. These policies set out the expectation for the amount of outdoor space provided for residential developments, however, these are set out in terms of relative size against the footprint of the house. Given that there is no definitive or precise figure for the amount of outdoor space required, it is a matter of planning judgement for the decision maker to determine whether the amount is

sufficient for the size of the proposal when weighing it against other material planning considerations.

7. There are fundamental disagreements between the parties relating to the merits of the proposal, which were unlikely to be resolved during the application process. The element of flexibility within the policy allowed for a planning judgement to be made based on the evidence, and it is for the decision maker to attribute the amount of weight to be given to each material consideration. As such, it is not unreasonable for the planning decision to be appealed, and consequently there has been no unnecessary or wasted expense as a result of the appeal.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and my representative's report and on that basis an award of costs is not warranted.

A M Nilsson

INSPECTOR