
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 Will Owen for a full award of costs against Cornwall Council.
 - 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 applicant's case for seeking an award of costs focuses on substantive matters, together with procedural matters which arose at the time of the determination of the planning application. These matters include the council incorrectly reaching a decision that the proposal is contrary to the development plan, failure to provide an explanation as to why the proposal is contrary to the development plan, failure to determine the application in a timely manner, and failure to accept an amended scheme.
6. The council's officer report sets out the relevant policies within the development plan and assesses the proposal against these policies. It is clear that each part of the development has been considered, and while there are elements which weigh

in favour of the proposal, the report clearly sets out the harm that would arise as a result of the proposal against the development plan policies. Within the refusal reason, the council clearly include the policy which sets out the expectation for the amount of outdoor space provided for within residential developments. While I acknowledge this is not a precise figure, it sets out that the garden should be generally equal in size to the footprint of the house. Given that no precise figure is placed on the amount of outdoor space, the planning decision is one which is a matter of planning judgement. From the evidence before me, the council have reasoned their decision clearly against the relevant policies.

7. Together with the council's reasoned decision, I have been provided with correspondence between the council and applicant which provides guidance on how the proposal could comply with the development plan policies. As such, the decision was sufficiently explained, and I do not find that the council failed to provide further guidance.
8. The correspondence submitted as evidence also includes the applicant's formal agreement to a number of requests by the council to extend the time to determine the application. This demonstrates that both parties were in agreement for the decision to be extended past the original deadline. Accordingly, I do not find that the council failed to make a decision in a timely manner.
9. The applicant attempted to amend the proposal to be policy compliant. Within the correspondence, the council outlined the reasons why this was not possible as part of the live application, due to in part to the inability to change the red line boundary of the planning application, and the council's policy on accepting amendments after the consultation period. In this regard, the council did not behave unreasonably.
10. Overall, there are fundamental disagreements between the parties relating to the merits of the proposal. To my mind, those matters were unlikely to be resolved during the application process given the council's policies on accepting amended schemes during live applications. Those matters could only be dealt with at appeal. As such, the appeal process was unavoidable, and consequently there has been no unnecessary or wasted expense in making the appeal.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

11. 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