



Costs Decision

Site visit made on 11 August 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 September 2025

Costs application in relation to Appeal Ref: APP/D0840/W/25/3362599

Land to SW of 25 Goonbell, Goonbell, St Agnes, TR5 0PN

- 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 M Roberts for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of permission in principle for the construction of 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. It is contended 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 site is not previously developed land (PDL) adjacent to a settlement and that the appeal proposal is not of a scale suitable for the size and role of St Agnes.
4. The Councils' Officer report (OR) is clear and unambiguous that the Council considered the proposal to be PDL adjoining the settlement and does not indicate that the Council found any conflict with Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP). Indeed, the Council's reason for refusal makes no reference to any conflict with LP Policy 3.
5. The scope of permission in principle (stage 1) is limited to 3 considerations, namely location, land use and amount of development. Issues of effects on matters such as heritage assets can be assessed under these considerations, in so far as it relates to the principle of the development and its implications.
6. In so far as it relates to the principle of development, the Council found in their judgement, as have I in my main decision, that the proposal would result in less than substantial harm to a heritage asset, namely the Cornwall and West Devon Mining Landscape World Heritage Site, that was not outweighed by any public benefit. The resultant development plan conflict has been clearly articulated and substantiated within the OR, with relevant development plan policies cited in the reason for refusal.

7. Given the above, I do not find that the Council prevented or delayed development which should clearly be permitted or failed to substantiate their reason for refusal.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

S Harrington

INSPECTOR