



Costs Decision

Site visit made on 27 August 2025

by **R Kent BA (Hons) MTP DipM MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 October 2025

Costs application in relation to Appeal Ref: APP/D0840/W/24/3353484

The Garage, Pit Lane, Higher Fraddon, Indian Queens, Cornwall TR9 6LG

- 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 S. Jones for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of the Council of permission in principle for the “construction of up to 5 dwellings on previously developed land.”
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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 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 Council made its decision prior to the publication of the new National Planning Policy Framework (the Framework). It subsequently published an update on the implications of the revised Framework including an assessment of the conformity of the Cornwall Local Plan Strategic Policies 2010-2030 (the CLP) against it. This set out the weight which the Council considered could be applied to the individual policies in the CLP as a result of the revised Framework. The Council also confirmed that it did not have 5 years' worth of housing land supply.
4. The Council's reason for refusal referred to relevant development plan policies and clearly set out why it considered the proposed development to be unacceptable. It subsequently submitted a detailed statement explaining its case and providing evidence to support it. This took into account the revised Framework. Whilst I have concluded that the appeal should be allowed after applying the balance in paragraph 11 d) of the Framework, the Council did not act unreasonably in reaching a view that the development did not accord with the development plan
5. Although the Council's appeal statement did not explicitly set out how it applied paragraph 11 d) in pursuing the appeal, it did set out what the Council considered to be the adverse impacts of the proposal and how it conflicted with the relevant development plan policies. Its statement concluded that the limited number of dwellings proposed did not have such an impact on housing supply that the refusal of the application was flawed when considered against the development plan when read as a whole. It also addressed the relationship of the site to the settlement and countryside. The Council's evidence therefore shows it reviewed its position

following the publication of the revised Framework and it defended the appeal accordingly.

6. The approved Certificate of Lawfulness of Existing Use or Development¹ (CLUD) issued by the Council for the existing building on the site confirms that the building is previously developed land (PDL). However, the hard core is not included in the description of the works certified as lawful by the CLUD. Nor is the extent of the curtilage of the building clear from the evidence. Although it did not provide any compelling evidence of its own about the extent of the curtilage of the building or the lawfulness of the hard surfacing, I am not convinced that the Council acted unreasonably in querying the extent of the PDL.
7. Whilst the evidence provided about the impact of the development on the character of the area was limited, it was not unreasonable for the Council to defend the appeal on the basis that that it considered the adverse impacts of the development would not be significantly and demonstrably outweighed by the benefits.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Kent

INSPECTOR

¹ LPA reference PA23/03941