



Costs Decision

Site visit made on 14 October 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Costs application in relation to Appeal Ref: APP/D0840/W/25/3362768

The Elms, 80 Goonown, St Agnes, Cornwall, TR5 0XG

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Jenny Quigg for a full award of costs against Cornwall Council.
 - The appeal was against a grant of planning permission subject to conditions.
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Decision

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

Reasons

2. 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 expense in the appeal process. The PPG reference to “*unreasonable*” should be used in its ordinary meaning.
3. The Appellant’s application for costs raises a substantive point in relation to the reasonableness of imposing condition 7 on the planning permission for the new garden office building. The PPG states that local planning authorities (LPA) will be at risk of an award being made against them if they impose a condition that is not necessary, relevant to planning and the development being permitted or is not precise and reasonable in all other respects.
4. The Appellant contends that the LPA behaved unreasonably in imposing condition 7 which required the provision of internal shutters to the approved office building. The Appellant also contends that the condition was not necessary or reasonable and that its imposition did not comply with the relevant policies and tests in the National Planning Policy Framework and PPG ‘On the use of planning conditions’.
5. Whilst I found the requirement for internal shutters to the as built office building was not necessary or reasonable, that finding was based on the evidence presented by the LPA and the Appellant, and more importantly my own observations on site. The LPA’s evidence comprised its Delegated Report and a Statement of Case, which provided an explanation of the LPA’s reasoning for the condition and the concerns that it sought to address. The LPA contended that the condition was necessary, relevant to the planning and the development being permitted, as it would, in their view, prevent a harmful impact on the living conditions of neighbouring occupiers.

6. The latter related to the alleged impact of the proposed office building on the living conditions of the occupiers of 78 Goonown (No.78) and a first floor window to that property which overlooked the appeal site. This required an assessment of the proposed relationship between the two, which is largely subjective and a matter of judgement, on which opinions will differ. It also required the decision-maker to decide what weight should be accorded to relevant considerations including whether the distance separating the windows in question was sufficient to preclude any harmful increase in overlooking. In addition, as to what other factors should be taken into account such as the angle of view, ground levels, existing views and views from the approved decking area.
7. The LPA determined at the application stage that these considerations and other factors led to the requirement for internal shutters to be installed to the new office building to prevent the loss of privacy to the occupiers of No.78. Whilst I disagreed with that finding and the requirement for the shutters, I understood the reasons as to why the LPA had sought these design changes. The latter led, I understand, to the Appellant agreeing to install shutters and the submission of a revised plan to show this which then led to the grant of planning permission. The wording of Condition 7 simply sought, therefore, to reflect and control what had been agreed by the Appellant at the application stage.
8. Insofar as the condition requires the shutters, as shown on the approved plan, to be installed and retained, it is enforceable. What it does not require is the shutters to be fixed shut or to form a solid screen. In that respect, there are no details, on either the plan or in the condition, of the type and form of shutters required. In my view, it is not, therefore, a question of whether the condition is enforceable or not but whether the wording achieves the LPA's intended objective of restricting views from the office building.
9. As I confirmed in my main decision, even with the shutters in place and assuming they are of a standard design that can be opened and closed, it would still be possible to view the window of No.78 from the office building. Even so, as I have found, the shutters are not required as any increase in overlooking from the office building would be limited and would not harm the living conditions of the occupiers of No.78.
10. Given the above, I cannot agree that the LPA acted unreasonably in seeking to impose condition 7.

Conclusions

11. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. A full award of costs is therefore not justified.

G Roberts

INSPECTOR