
Costs Decision

Site visit made on 21 October 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

Costs application in relation to Appeal Ref: APP/D0840/W/25/3362746

Cooper Signs, The Parade, Malpas Road, Truro, Cornwall TR1 1UJ

- 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 Living Property Ltd for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for change of use and associated internal works.
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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. Furthermore, the PPG indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal.
3. The applicant claims that the Council acted unreasonably during the determination process as the Council's planning committee did not follow the Officers recommendation for approval and did not consider mitigation strategies offered by the applicant.
4. Whilst a planning committee is entitled to make decisions that are contrary to the officer recommendation, there is an expectation that where this occurs it should show reasonable planning grounds for taking a contrary decision and produce sound, substantive and defensible evidence on appeal to support the decision in all respects.
5. In this case whilst it will be seen from my main decision that I have found that a planning condition could overcome the concerns, the issue of overlooking and the effect on neighbouring occupiers living conditions is one which is a matter of judgement. The Council Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view.
6. The Council's reason for refusal is sufficiently unambiguous and refers to relevant development plan policies. Furthermore, the Committee Meeting minute outlines that Members were made aware by the Principal Development Officer of mitigation

measures proposed to minimise the impact of the proposal on adjoining gardens and properties from overlooking. A reasonable planning balance was exercised by the Council having regard to adopted development plan policy in reaching their decision.

7. As a result, I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the applicant was put to unnecessary or wasted expense.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

S Harrington

INSPECTOR