



Costs Decision

Hearing held on 11 November 2025

Site visit made on 11 November 2025

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Costs application in relation to Appeal Ref: APP/D0840/W/25/3360178

Land at Former Paradise Cove Hotel, Alexandra Road, Newquay TR7 3NA

- 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 Keith Jones (Living Quarter Properties (Porth) Limited) for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of the Council to grant consent, agreement or approval to details required by a condition of planning permission Ref 07/00913 for the demolition of existing hotel building and annexe and the construction of 7 linked holiday villas with car parking, and external stores for use 52 weeks per year.
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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 (the 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 contends that the Council unreasonably relied on a consultee's response that misinterpreted the scheme and displayed a level of pre-determination. However, it was perfectly reasonable for the Council to consult the Coast Protection Authority on a proposal that related to cliff stability, and to give considerable weight to the expert advice of the consultee. Following receipt of the refusal notice, the applicant set out their concerns regarding the consultation reply. The Coast Protection Authority considered this additional information in its response to the appeal. It maintained its objection, and attended the Hearing to explain its concerns. I found the evidence provided by the consultee, both in writing and at the Hearing, to be informed and well-reasoned. Consequently, I do not find that the Council acted unreasonably in relying on the advice.
4. The applicant also raises concerns regarding the timing of receipt of the consultation reply, and the lack of opportunity to discuss the issues raised before the application was determined. It is contended that the Council made its decision without dialogue, on the premise that the applicant should have entered into pre-application discussions before submission. The PPG makes it clear that costs cannot be claimed for the period during the determination of the planning application. Nevertheless, behaviour and actions at the time of the planning

application can be taken into account in my consideration of whether or not costs should be awarded.

5. Whilst I have a degree of sympathy with the applicant regarding the lack of opportunity for discussion, the fact remains that the consultee maintained its position in the light of the applicant's subsequent letter setting out the points of alleged misinterpretation. Consequently, I see little prospect that the appeal could have been avoided, even if the decision had been delayed to allow further dialogue.
6. Overall, the applicant contends that the Council has delayed development that should have been permitted. However, I concluded in my decision that the Council's refusal was well-founded. It therefore follows that I do not consider that the Council acted unreasonably in this matter.
7. Therefore, unreasonable behaviour, resulting in unnecessary or wasted expense, has not occurred, and an award of costs is not warranted.

Nick Davies

INSPECTOR