



Costs Decision

Site visit made on 25 November 2025

by Neil Pope BA(HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Costs application in relation to Appeal Ref: APP/D0840/W/25/3360628

Land East of Dolphin Cottage Tresowes, Ashton, Helston, Cornwall, TR13 9SY

- 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 & Mrs Whetton for a partial award of costs against Cornwall Council.
- The appeal was against the refusal to grant permission in principle for the demolition of existing stables, construction of affordable housing development (minimum of 2, maximum of 3) and associated works.

Decision

1. The application is allowed in the terms set out in the Order below.

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 PPG also gives some examples of unreasonable behaviour by local planning authorities. These include introducing fresh and substantial evidence at a late stage resulting in extra expense for preparatory work that would not otherwise have arisen and persisting in objections to a scheme which an Inspector has previously indicated to be acceptable.
4. Amongst other things, the Council's reasons for refusal allege that the appeal site is beyond the established settlement limits of Tresowes and identify conflict with policies 3 (role and function of places) and 7 (housing in the countryside) of the Cornwall Local Plan (LP). There is no cogent evidence to demonstrate that the Council acted unreasonably by pursuing an objection that had been addressed in the previous appeal. However, the latest proposal was for a scheme of affordable housing that was advanced under the provisions of LP policy 9 (rural exception sites). It was unreasonable therefore for the Council to assess this proposal against LP policies 3 and 7, which are more particularly aimed at general housing. This caused the applicant to incur unnecessary expense in responding to the alleged conflict with these policies at appeal.
5. In support of its reasons for refusal, the Council also drew attention to an appeal decision at Blisland. Whilst it is common for parties to an appeal to identify other appeal decisions, these should be closely related to the matters in dispute so as to avoid unnecessary and unhelpful comparisons. Within my appeal decision, I found that there were a number of material differences between the Blisland appeal and the site/proposal that was before me. The Council therefore acted unreasonably in

drawing attention to that decision and caused the applicants to incur unnecessary expense in addressing the matter.

6. The Council's reasons for refusal did not identify any harm to the Cornwall and West Devon World Heritage Site (WHS) or conflict with LP policy 24. The planning officer's report also states that the proposal would not conflict with LP policy 24. In raising concerns within its Statement regarding the impact of the proposal upon the WHS the Council, in effect, raised a fresh objection and, in so doing, acted unreasonably. However, the WHS is an important heritage asset and a material consideration in the determination of the appeal. Notwithstanding the planning officer's report, concerns had been raised by those with responsibility for safeguarding/managing the WHS. It was therefore necessary for the applicants to address this matter as part of their appeal. They did not therefore incur unnecessary or wasted expense as a result of the Council's behaviour.
7. Given my findings above, I conclude that the Council acted unreasonably and caused the applicants to incur some unnecessary or wasted expense. A partial award of costs is therefore justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Cornwall Council shall pay to Mr and Mrs Whetton the costs of the appeal proceedings described in the heading of this decision. These costs shall be limited to those incurred in the preparation and submission of evidence relating to policies 3 and 7 of the Cornwall Local Plan and their response to the appeal decision at Blisland.
9. The applicants are now invited to submit to Cornwall Council to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Neil Pope

Inspector