
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: 01 December 2025

Costs application in relation to Appeal Ref: APP/D0840/W/24/3354118

Tresooth Fields, Penwarne Road, Mawnan Smith, Cornwall, TR11 5PF.

- 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 Ongley of Tresooth Ltd for a full award of costs against Cornwall Council (the LPA).
 - The appeal was against the refusal of planning permission for the conversion of existing games room to holiday cottage, replacement games room, relocated external swimming pool, new managers dwelling and reception area together with six new holiday cottages.
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Decision

1. The application 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.
3. The PPG also advises that costs applications may relate to events before an appeal, but costs that are unrelated to the appeal are ineligible. Awards cannot extend to compensation for indirect losses, such as those which may relate from an alleged delay in obtaining planning permission. Whilst therefore noting the applicant's concerns over the time taken to determine the planning application, this is not something that I am able to consider. Even if it was, I understand that the applicant agreed, with the LPA, an extension of time in which to determine the planning application. I have also been informed that during the application process there was frequent contact between the applicant and the LPA's case officer.
4. The applicant has informed me that the LPA's reasons for refusal included matters not previously raised during the application process. It is argued that these could have been resolved during the application process. Be that as it may, the reasons for refusal were complete, precise and specific. The LPA did not seek to introduce new or additional reasons for refusal at the appeal stage. If the applicant thought these reasons could be resolved with the LPA, it was open to him to submit a fresh planning application rather than pursue the matter to appeal. There is no cogent evidence to support the applicant's case that the LPA's behaviour resulted in unnecessary or wasted expense during the appeal process.
5. Amongst other things, the Appeal Questionnaire reveals that the LPA was content for the planning appeal to proceed by way of written representations. Any abortive costs incurred by the applicant in preparing for a Hearing, including the draft

Statement of Common Ground dated October 2024, was not attributable to any unreasonable behaviour on the part of the LPA.

6. There is nothing of substance to demonstrate that the LPA acted unreasonably and caused the applicant to incur any unnecessary or wasted expense during the appeal process. I therefore conclude that an award of costs would not be justified.

Neil Pope

Inspector