



Costs Decision

Site visit made on 2 December 2025

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2025

Costs application in relation to Appeal Ref: APP/D0840/W/25/3368371 Rosevean, Halvasso, Penryn, Cornwall TR10 9BY

- 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 F Roebuck for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for change of use of an agricultural barn to a single dwellinghouse and operational development without complying with a condition attached to the planning permission, which was granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
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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 advises that costs may be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary, or wasted expense, in the appeal process.
3. The application relies solely on the contention that, in refusing the application, the Council has acted contrary to, or not followed, well-established case law. The applicant provided the Council with a copy of a similar application that the Council had, itself dealt with, and a copy of an appeal decision, which the applicant considered to be comparable. It is argued that, in the light of these cases, it was unreasonable for the Council to refuse the application.
4. However, neither the application nor the appeal was so directly comparable to the case in hand that it was irrational for the Council to have made the decision it did. Furthermore, neither had been subject to scrutiny through the courts, so they did not amount to well-established case law.
5. The applicant also provided a legal opinion, which I found to be persuasive in my decision. However, it did not cite any relevant case law that settled the precise point at issue between the parties. The evidence indicates that the Council took legal advice before reaching its decision but, as I was not provided with a copy, I could not take it into account. In the absence of any directly relevant case-law, I gave significant weight to the legal opinion provided by the applicant. Nevertheless, the Council did have an arguable case for taking the position it did.

6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred, and an award of costs is not warranted.

Nick Davies

INSPECTOR