



Costs Decision

Site visit made on 24 November 2025

by **S Ashworth BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Costs application in relation to Appeal Ref: APP/D0840/W/25/3365893

Plume Of Feathers, Mitchell, NEWQUAY, Cornwall, TR8 5AX

- 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 P Fair for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for a wedding venue, walled garden and restaurant, hotel and guest accommodation, additional parking and external landscaped areas.
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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.
3. The cost claim centres on what the appellant believes to be unreasonable behaviour by the Council, specifically the Planning Committee, that is, that the Council prevented development from proceeding that should have been permitted; provided a vague reason for refusal including vague claims about disturbance; ignored technical evidence presented by the appellants; ignored the advice of professional officers in relation to the ability of conditions and a license to address any issues relating to noise. Moreover, the appellant contends the assumptions made by the Planning Committee were compounded by the fact that the Environmental Protection Officer was not present at the committee meeting and that members did not make a site visit and as such would not have appreciated the presence of the existing public house.
4. The main parties agree that planning committee members are not bound by a recommendation made by professional officers and are entitled to make their own decision on a planning application. In this case, the planning application was recommended for approval but nevertheless the Council's Environmental Health Noise and Odour officers, having had regard to the technical noise assessment, still had concerns that the development would have a significant detrimental noise impact on the living conditions of occupiers of nearby residential properties. Those concerns, which are in part based on experience of dealing with noise complaints, centre largely on music and human activity and voices outdoors and were set out in full in the officer's report. On that basis I am not convinced by the appellant's contention that the committee were simply reiterating the comments of the local residents. Whilst it may have been helpful if the relevant officer had attended the

- meeting, given their significant concerns about the scheme, even if they had been present, there is no certainty the outcome would have been different.
5. The officer's report notes the licencing regime would be sufficient to manage the use of the site and protect neighbouring residents from harmful effects of the scheme and I understand that such advice was repeated at the committee meeting. Whilst I acknowledge the professional advice given to the committee in this regard, and while I am not aware of the full extent of the debate on the matter, it is not unreasonable for the members to reach their own conclusion as to whether the suggested conditions would satisfactorily mitigate against any harmful impacts of the development and thereby make the development acceptable.
 6. The reason for refusal is clearly set out and the proposal has been determined in accordance with the development plan as required by section 38 (6) of the Planning and Compulsory Purchase Act 2004. Policy 12 (2c) specifically requires consideration of the impact of a proposal on noise and disturbance. The reason, including the meaning of 'general disturbance' is expanded on in the Council's appeal statement and includes references to comings and goings through the village. Whether or not the level of disturbance would be unreasonable in terms of the policy is a matter of planning judgement.
 7. It is unclear from the evidence before me whether members of the planning committee did visit the site. Nevertheless, I note that the ward member and a Councillor from the Parish Council, both of whom are familiar with the local area, were present. Moreover, the committee presentation includes a number of photographs of the context of the site, including the proximity of nearby residential properties, the location of the public house in relation to neighbouring dwellings and the topography of the surrounding landscape. I am not therefore convinced members were not fully appraised of the proposal or the planning issues it raised.
 8. Considering all these matters, I am not convinced that the Council behaved unreasonably in refusing the application or that the appeal was not satisfactorily defended. On that basis there has been no unnecessary or wasted expense in the appeal process.
 9. For these reasons the application for costs is refused.

S Ashworth

INSPECTOR