
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: 12 January 2026

Costs application in relation to Appeal Ref: APP/D0840/W/25/3371405

The Old Brewery, Lower Treluswell, Penryn, Cornwall TR10 9AT

- 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 J Cox for a partial award of costs against Cornwall Council.
 - The appeal was against the refusal to grant consent, agreement or approval to details required by condition No 1 of a planning permission Ref PA21/10364 for the demolition of existing mixed use commercial buildings and construction of up to 7 residential units and conversion of existing beauty salon into 1 residential unit.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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, and thereby caused the party applying for costs, to incur unnecessary or wasted expense in the appeal process.
3. The application is founded on the contention that, in considering the submitted reserved matters, the Council continued to rely upon a ground of objection to an aspect of the development that had already been permitted through the outline planning permission. In particular, the applicants argue that the demolition of the old brewery building on the site had already been authorised by the outline planning permission. On this basis, it was unreasonable for the Council to include, as part of its reason for refusal, the lack of a clear and convincing justification for not retaining and converting it.
4. The description of development permitted by the outline planning permission is *“demolition of existing mixed use commercial buildings and construction of up to 7 residential units and conversion of existing beauty salon into 1 residential unit”*. Apart from the beauty salon, there were only two buildings on the site, so the reference in the description to the buildings (in the plural) to be demolished, must include the old brewery building. Furthermore, the description clearly states the construction of up to 7 residential units (my emphasis). There can be little doubt, therefore, that the development described on the decision notice involves the demolition of the buildings and the erection of new dwellings.
5. Without providing any citations, the Council contends that case law has held that the description of development on a decision notice does not have primacy over the accompanying plans. On this basis, the Council suggests that it is generally held that a planning permission comprises the decision notice and the plans

accompanying that decision. In this case, the Council highlights that one of the plans that was considered in the determination of the application carried a note stating, "*Brewery potentially converted to residential units as part of reserved matters application (subject to further investigation)*".

6. That drawing was, however, marked as "Illustrative Site Plan", so did not form part of the formal proposals. Furthermore, whilst it was noted on the decision notice as a plan referred to in consideration of the application, the only detailed matter that was approved was the means of access. Condition 3 requires development to be carried out in accordance with the listed plans only in relation to this matter. There are no conditions on the outline planning permission that require the building to be retained or converted, or that require justification for its demolition to be submitted as part of the reserved matters submission. Consequently, notwithstanding the note on the illustrative drawing, the description of the development that was permitted is unequivocal, and is not qualified by any planning conditions.
7. In resisting the demolition of the building, the Council did not acknowledge that it was already permitted by the outline permission that had been granted. This amounts to unreasonable behaviour. As a result, the applicant incurred unnecessary additional expense at the appeal in providing evidence that the demolition had already been permitted, and in justifying why the building could not be retained as part of the development.
8. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of the Council's stance that the outline planning permission did not authorise demolition of the old brewery building. A partial award of costs is therefore warranted.

Costs Order

9. 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 & Mrs J Cox, the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in providing evidence that the demolition had already been permitted, and in justifying why the building could not be retained as part of the development; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is 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.

Nick Davies

INSPECTOR