



Costs Decision

Site visit made on 27 November 2025

by **H Faulkner BSc (Hons) MSc PGCE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

Costs application in relation to Appeal Ref: APP/D0840/W/25/3371029 Stone Cross, Road from St Dominick to Junction South West of Tremoan, Cornwall PL12 6TF

- 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 Steve Wise for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for the erection of 14 dwelling-houses.
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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. Unreasonable behaviour on the part of a local planning authority may include preventing or delaying development which should clearly be permitted, having regard to its accordence with the development plan, national policy and any other material considerations, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
4. On the substantive grounds the applicant's claim is that the Council acted unreasonably in the following ways: that the Committee overturn the officers recommendation with reasoning that was unsupported by objective analysis, that the application was not considered in a consistent manner and that development was delayed which should clearly have been permitted.
5. In relation to the first ground the case officer concluded in the committee report that there would be a modest level of adverse impact and the proposal would be contrary to Policies 1 and 2 of the Cornwall Local Plan. The report also referenced the great weight that must be given to conserving and enhancing the landscape and scenic beauty of the National Landscape. This formed part of an objective assessment of the scheme.
6. The refusal reason stated that the development would cause harm to the Tamar Valley National Landscape, this view is not contrary to the view taken by the case officer. The refusal reason also refers to the great weight given to the harm and that this is not outweighed by the benefits of the scheme. It was not unreasonable of the committee to find the level of harm to be greater than expressed by the officer.

- Furthermore, the committee were also entitled to attribute different weightings to the benefits of the scheme.
7. Based on the evidence the level of harm to the National Landscape and the weight to be given to the benefits is finely balanced and as a result I do not find it unreasonable that the committee reached a different view to officers.
 8. The history to this case in terms of it being considered by the committee on two separate occasions and reaching different conclusions is an understandable frustration for the applicant.
 9. Having reviewed the reports and updates for both committees there was sufficient justification for the Committee to reach a different conclusion on the application.
 10. While the number of affordable and self-build units did not change, and although there may have been no physical alterations to the plans, the plans considered at the first committee meeting were different from those presented at the second. The way this was communicated to the committee in the officer reports, particularly in respect of unit 13, differed, which provided justification for the committee reaching a different conclusion.
 11. I have not been provided with any specific information regarding how many of the committee members were the same at each meeting, or whether the political representation remained consistent. Ultimately, the first committee's decision did not result in planning permission being granted, and there were material reasons for the scheme being brought back to the committee for a second determination. It was this second decision, based on the information available at the time, which led to the refusal of the application. As a result, I do not consider that the appeal could have been avoided.
 12. Costs can only be awarded where unnecessary or wasted expense has been incurred during the appeal process. Although behaviour at the planning application stage may be taken into account, the concerns raised regarding the Planning Committee do not alter my conclusion that the Council's case at appeal represented a fundamentally reasonable position. This therefore does not amount to unreasonable behaviour on the part of the Council.
 13. As stated above and in the decision, the assessment of harm to the National Landscape and the overall planning balance were determinative in this case. The degree of harm to be attributed, and the weight to be given to the various considerations in the planning balance, are matters for the decision-maker. Although I have identified considerations that outweigh the identified harm, the finely balanced nature of this case means that the Council did not act unreasonably in reaching a different conclusion. Accordingly, I do not find that this is a development that should have 'clearly been permitted.'

Conclusion

14. Overall, while I appreciate that the applicant disagrees with the Council's assessment, the Council's approach was not wholly unreasonable. It was entitled to reach the conclusion it did on the planning balance, which ultimately led to the refusal of the application. In these circumstances, the appeal was therefore inevitable.

15. For these reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, an award of costs is not justified.

H Faulkner

INSPECTOR