
Costs Decision

Site visit made on 6 January 2026

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2026

Costs application in relation to Appeal Ref: APP/D0840/W/25/3369222

Land off Menear Road, north of St Austell PL25 3TD

- 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 Anesco Ltd for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for construction of a temporary 17.51MWp Solar Photovoltaic (PV) and 5MW Battery Storage Farm comprising solar modules, battery cabinets, landscaping, access from the public highway and associated works.
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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 applicant alleges that the Council has acted unreasonably on both procedural and substantive grounds, causing the applicant to incur unnecessary expense in the appeal process. It is asserted that the Council failed to produce evidence, including specialist landscape evidence to substantiate its reason for refusal; ignored the advice of its Officers and consultees; and attempted to introduce new matters without substantive evidence at the appeal stage, thereby delaying development which should clearly be permitted.
4. I have noted the Council's Committee Report (CR), the recommendation of the Council's Officers and the minutes of the Strategic Planning Committee meeting where the planning application was considered by Members.
5. Although Officers recommended approval and considered the proposal accorded with the development plan read as a whole, the CR identified that the proposal would result in 'moderate harm to the distinctive character of the area', but, with consideration of proposed landscaping, harm to the character of the area from the proposal would not be significant. The CR also outlines that in the Officers view, the public benefits associated with the proposal outweighed the level of harm identified to the landscape, heritage asset and agricultural land. The recommendation to approve was therefore based on a balanced judgement. However, the weight to be given to a particular consideration is a matter for the decision maker's discretion.
6. Whilst a planning committee is entitled to make decisions that are contrary to the officer recommendation, there is an expectation that where this occurs it should

- show reasonable planning grounds for taking a contrary decision and produce sound, substantive and defensible evidence on appeal to support the decision in all respects. This does not necessarily however go so far as requiring specialist landscape evidence.
7. The Committee minute outlines that Members considered key considerations of the proposal, in light of the CR which was before them and provided comprehensive details on the context of the site and surrounding landscape, local and national policy, material considerations, and the associated benefits. The Councils' submissions indicate that Members discussed these matters and had a good understanding of the site and landscape in the area and considered the effect on the landscape prior to determining the application.
 8. The Council's refusal reason is complete, precise, specific and relevant to the proposed development. It details the alleged harm, and the local and national planning policies that Members considered the development conflicts with.
 9. Furthermore, even if there are no 'gateway locations' as referenced in the reason for refusal identified within the development plan, or indeed the site was not described as such during the application process, I have found in my main decision that the term 'gateway location' is a reasonable description of the appeal site and its spatial relationship with St. Austell. The lack of any development plan policies specifically relating to 'gateway locations' does not prevent a decision maker describing it as such.
 10. It will also be seen from my main decision that, whilst I have also found that the benefits of the proposal outweigh the harm, I have found harm to the character and appearance of the area and resultant conflict with the development plan. The issue of the effect of the proposal on the landscape is one which is a matter of planning judgement.
 11. In terms of procedural grounds, whilst the Council do refer to Green Buffers within their appeal statement (AS), these are also referred to within the CR, and its addendum. Even if the appeal site falls outside of, but adjacent a designated green buffer, it is reasonable for the Council to refer to the green buffer in the context of the setting of St. Austell and the appeal site.
 12. The AS also refers to the appellants evidence including the Landscape and Visual Impact Assessment (LVIA). Whilst referring to the LVIA, the Council do not rely on it to support their decision, rather use it to highlight areas where there is disagreement. The AS also outlines a wide range of evidence including but not restricted to landscape character areas. Moreover, I do not find that such expansion on matters which are materially linked to the reason for refusal amounts to the introduction of new matters. As a whole, the AS provides sound, substantive and defensible evidence to support the Council's decision.
 13. Finally, the applicant briefly refers to 'reason for refusal 2' within their cost's application. However, the planning application was refused for a single reason, and in any case, for the reasons given above, I find that the Councils consideration of the effect of the proposal on the character and appearance of the landscape was reasonable.
 14. Therefore, even though I have come to a differing view to the Council in the main appeal, its submissions are sufficient to substantiate its decision to refuse planning

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

S Harrington

INSPECTOR