



Costs Decision

Site visit made on 24 March 2026

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th June 2026

Costs application in relation to Appeal Ref: APP/D0840/W/25/3371780

Penbro Farm, A394 Between School Road and B3304, Breage, Cornwall TR13 9PN

- 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 Robert Moore for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for the erection of 14 lodges, communal building 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 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. In refusing the appeal scheme, the applicant alleges that the Council has:
 - delayed development which should have been approved as it accords with national and local policies;
 - not produced evidence to substantiate the reasons for refusal; and
 - made generalised, inaccurate assertions about the impact of the proposal, unsupported by objective analysis.
4. Whilst the Council may have considered whether policies 3 and 7 of the Local Plan¹ relating to the provision and location of housing were applicable, concluding they were not, the Officer's Report provides little reasoning for this decision. Further, no reference was made to the *Gravesham*² case, despite the use of similar wording within that judgement regarding the permanent nature of the proposed lodges and their ability to support day-to-day living.
5. Although the Council recognises within the IPPS³ that a five-year supply of deliverable housing sites could not be demonstrated prior to the determination of the application, no reference was made to the presumption in favour of sustainable development as set out at paragraph 11d of the Framework⁴. Indeed, the Officer's Report is silent on the aforementioned IPPS. It, therefore, appears that the Council did not consider these matters during the determination of the application adequately. The Council acted unreasonably in this respect.

¹ Cornwall Local Plan Strategic Policies 2010-2030 (Local Plan)

² *Gravesham BC v SSE and O'Brien* [1983] JPL 306

³ Interim Policy Position Statement (IPPS); dated April 2025

⁴ National Planning Policy Framework (Framework)

6. Nonetheless, the Officer's Report is clear that the Council found the proposal would result in harm to the character and appearance of the landscape and have provided sufficient objective analysis and reasoning to substantiate this conclusion. I have also found that the proposal would result in harm to the character and appearance of the countryside and have concluded that this would be at a significant level.
7. Balanced against the modest social, economic and environmental benefits which would be derived from the proposal I have concluded that the adverse impacts of granting planning permission significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, while paragraph 11d was not applied by the Council as part of the determination of the application, had it done so, I see no reason to conclude that a different outcome would have resulted. On that basis, this would also have led to the refusal of the planning application and the applicant being required to decide whether or not to submit an appeal.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Juliet Rogers

INSPECTOR