
Costs Decision

Site visit made on 11 August 2025

by **Robert Naylor BSc (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 September 2025

Costs application in relation to Appeal Ref: APP/D0840/C/23/3317575

Wheal Prussia Dry, Wheal Prussia, Redruth, Cornwall, TR16 4BG

- 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 Cornwall Council for a full award of costs against Mr Robert Tolley.
 - The appeal was against the refusal of planning permission for the material change of use of an agricultural field to a mixed use comprising a caravan for residential purposes, creation of two new accesses and hardstanding, the storage of non agricultural material and creation of additional outbuildings.
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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. Unreasonable behaviour can be procedural, or it can relate to the substance of the matters under consideration as part of the appeal.
3. Paragraph 052¹ of the PPG highlights examples of unreasonable behaviour by the appellant where costs can be awarded. Appellants are required to behave reasonably in relation to procedural matters on the appeal, for example by complying with the requirements and deadlines of the appeals process.
4. The Local Planning Authority (LPA) claim that the appellant has demonstrated procedural unreasonableness in that they have appealed a scheme that has recently been determined² for a very similar development on the same site, where an Inspector decided that the proposal was unacceptable, and the circumstances have not materially changed in the intervening period. The LPA also claim that the appellant has not demonstrated the onus of proof in relation to the enforcement matters at the site.
5. The Inspector dismissed the previous appeal, finding the proposal introduced a dwelling into the countryside in an unsustainable location. Furthermore, the Inspector also found the proposal would add additional development within the countryside, thus eroding the rural character of the area. Given the findings of this previous appeal and the contextual similarities with the development, the subject of the enforcement notice, it was unlikely that there was a reasonable prospect of the appeal succeeding, hence why I have reached a similar conclusion.

¹ Appeals paragraph 052 Reference ID: 16-052-20140306

² PINS Ref: APP/D0840/W/22/3290810

6. Nevertheless, as part of the appeal process parties seek to defend their positions. The appellant exercised their right of appeal under ground (d) that enforcement action could not be taken, and ground (a) that planning permission should be granted for the alleged breach. I acknowledge that the issues relating to the previous Section 78 appeal and ground (a) appeal are similar, however the appeal under ground (d) represented a different set of issues which nevertheless needed to be explored as part of an appeal process.
7. From the evidence before me, it appears the appellant was self-represented and thus may not have had a technical understanding of the planning system and its implications, which may explain why they provided limited evidence in support of their appeal under ground (d), other than several vague assertions and personal opinion. Furthermore, they lacked technical knowledge and offered little detailed evidence to challenge the LPAs reasons for issuing the enforcement notice.
8. However, it is completely understandable why the appellant explored all avenues available to them and lodged an appeal despite their lack of understanding of the planning process, given that the effect of the enforcement notice would be them losing their family home. I therefore find the appellant has not behaved unreasonably in this regard.
9. Furthermore, as the appellant was not a planning professional, they cannot reasonably be expected to be familiar with the full extent of planning guidance and procedures, although they would have been expected to read and take note of standard informative material sent to them by the Planning Inspectorate, and any relevant facts drawn to their attention by the LPA.
10. In serving the enforcement notice the LPA did provide guidance notes in respect to the procedure to be followed, including the provision of how to appeal against the enforcement notice. The appellant has followed this advice. Had the LPA considered that there was little prospect of the appeal succeeding, they should have highlighted this to the appellant at the time and advised them against appealing the decision and notified them of the LPAs intention to apply for costs should the appeal proceed.
11. Overall, I do not find that the LPA have been subject to wasted expense at the appeal stage. I consider that the costs incurred by the LPA, in defending their decision to take enforcement action, were the normal costs arising when the right of appeal is exercised. I therefore find that unreasonable behaviour by the appellant, resulting in unnecessary and wasted expense, as described in the PPG, has not been demonstrated and that no award of costs is justified.

Robert Naylor

INSPECTOR