



Costs Decision

Inquiry held on 22 July 2025

Site visit made on 21 July 2025

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2025

Costs application in relation to Appeal Ref: APP/D0840/C/25/3362791

Land known as Angarrick Stables, Angarrick, Mylor Bridge, Falmouth, Cornwall TR11 5NX

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Mark Abbot-Compton for a full award of costs against Cornwall Council.
 - The inquiry was in connection with an appeal against an enforcement notice alleging, without planning permission, the material change of land from agricultural use to a mixed use comprising of agricultural and residential use, through the siting of a static caravan for residential purposes and the siting of two touring caravan used in connection with the residential use (home offices) and associated development consisting of the construction of a timber outbuilding containing compostable toilet and shower facilities, also the construction of hardstanding areas underneath the caravans.
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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 asserts that the Council have behaved unreasonably in failing to substantiate assertions made in respect of the appeal and that the evidence submitted by the Council fails to meet the evidentiary burden. It is also asserted that the Council have behaved unreasonably in its concessions over the nature of the planning unit during the Inquiry, which is indicative of the lack of a proper investigation taking place. Moreover, the applicant points to the acceptance that the allegation as set out in the enforcement notice is incorrect and requires correction.
4. However, even though I have disagreed with the Council when making my decision on the appeal, I find that it has not failed to substantiate its case, nor has it unreasonably failed to meet the required evidentiary burden. It was clear from the case presented by the Council and the questioning that took place of the witnesses that, as a matter of planning judgement, the Council believed its case to be made out. This was supported by what was considered to be robust evidence. Even though I find differently, there was nothing unreasonable in the Council's approach.

5. I accept that the Council's witness made a concession at the Inquiry in respect of the matter of the planning unit. This was however subsequent to my questions on the matter and an adjournment to discuss with the Council's legal representative. I find that the Council behaved reasonably in promptly considering this matter and conceding its position.
6. In respect of the corrections to the notice, these are minor in nature and as I set out in the appeal decision, are able to take place without injustice to any party. They do not point towards any unreasonable behaviour on the part of the Council.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Martin Allen

INSPECTOR