



Costs Decision

By A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr

an Inspector appointed by the Secretary of State

Decision date: 18th December 2025

Costs application in relation to Appeal Ref: APP/D0840/X/23/3324825

Land West of Kestle Mill Farmhouse, Kestle Mill, Newquay TR8 4PJ

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 195, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Brian Cave for a full award of costs against the decision of Cornwall Council.
 - The appeal was in connection with an appeal against the refusal of a certificate of lawful use or development (LDC) for use incidental to the residential use of the associated dwelling house.
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Decision

1. The application for an award of costs is refused.

Reasons

2. 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. The applicant is concerned about the perceived misunderstanding of previous investigations and future use. In LDC appeals, the onus of proof is firmly upon the applicant. Allegations of mishandling of the application may be indicators of unreasonable behaviour. Nevertheless, the purpose of this application process is not to resolve by investigation every allegation of unreasonable behaviour. Rather it is to decide if an award of costs in respect of the appeal is justified on the available evidence in a particular case.
3. The applicant is upset because they feel the appeal was unnecessary, but the circumstances suggest that there was a disagreement between the appeal parties. The applicant exercised their right of appeal to test the arguments. My Decision explains why the approach taken by both parties was fundamentally flawed. I will not repeat those reasons here. It is sufficient to say that the significant difference of opinion focused upon the interpretation and application of planning law principles to the facts of the applicant's case. The respondent took a different approach to that adopted by the applicant, but I do not consider that the respondent's approach was totally unacceptable or unreasonable given the principles and concepts are open to interpretation.
4. Acting contrary to established case law can amount to unreasonable behaviour. However, that will not necessarily be the case where the parties rely on a legal interpretation which is not, in the event, supported by the reasons for an appeal decision. It seems to me the respondent adopted an alternative position on the facts of the case, but sufficient evidence to substantiate the reasons for refusing the LDC was submitted.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is unjustified.

A U Ghafoor

INSPECTOR