



Costs Decision

by P N Jarratt BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2026

Costs application in relation to Appeal Ref: APP/D0840/C/25/3368984 Land North of 30A Church Road, Mylor, FALMOUTH, TR11 5NL

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr J E Bull for a full award of costs against Cornwall Council.
 - The appeal was against an enforcement notice regarding the recreational use and operational development
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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) on appeals 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 costs claim is made in respect of unnecessary or wasted expense connected with the appeal on ground (a) for substantive reasons and on ground (d) for procedural reasons. In view of the appellant's withdrawal of the ground (d) appeal, it is not unreasonable for the Council to consider that element of the costs claim to have fallen away, notwithstanding that the appellant is seeking to re-introduce ground (d) costs arguments following the Council's costs response.
4. In brief, the appellant alleges that as planning officers refused to engage with him prior to issuing the enforcement notice, an appeal was inevitable. It was the receipt of the Council's statement on 28 August 2025 and a further response on 9 September addressing the nature of the 'nil' use and other matters that led the appellant to withdraw the ground (d) appeal.
5. Paragraph 048 of the PPG states "For enforcement action, local planning authorities must carry out adequate prior investigation. They are at risk of an award of costs if it is concluded that an appeal could have been avoided by more diligent investigation would have either avoided the need to serve the notice in the first place or ensured that it was accurate." Prior to issuing the notice a Planning Contravention Notice was served and the appellant acknowledges receipt of an email containing aerial photographs prior to the issue of the notice. It appears to me that the Council's investigation must have been sufficiently diligent to persuade the appellant to withdraw the ground (d) appeal. I also note that the appellant's ground (d) costs arguments are also reliant on the planning merits of the unauthorised development, which are matters considered on ground (a). Having said that, it is

clear that the appellant is aggrieved that he has not had access to the planning enforcement services that he had expected but this should perhaps have been pursued through the Council's complaints procedure.

6. In respect of the ground (a) appeal, the appellant's claim is based on points 1, 5 and 7 of paragraph 049 of the PPG dealing with behaviour that may give rise to a substantive award. Point 1 refers to preventing or delaying development which should clearly been permitted having regard to its accordance with the development plan, national policy and any other material considerations. I find it curious that this argument is being put forward in respect of unauthorised development that has already taken place and is subject to an enforcement notice. In my separate decision letter on the ground (a) appeal I concluded on the evidence before me that the development failed to accord with the development plan. The fact that the appellant may disagree with the Council's interpretation of policy to the development concerned does not make it unreasonable.
7. Point 5 relates to acting contrary to, or not following well established case law, and point 7 relates to not determining similar cases in a consistent manner. I have commented in my decision on the appeal on the appellant's reference to other developments in the vicinity. No two applications are alike and the Council indicates the cases quoted appear to be for completely different forms of development. As the Council says, each application is considered on its own merits. It is also noted that three of the five cases referred were determined prior to the adoption of the Local Plan, the Neighbourhood Plan and the Climate Emergency DPD.

Conclusion

8. For the reasons given above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted

P N Jarratt
INSPECTOR