



Costs Decision

by P N Jarratt BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2026

Costs application in relation to Appeal A Ref: APP/D1265/C/25/3361923 and Appeal B Ref: APP/D1265/W/25/3360809
Old Dairy Farm, 10-11 West End, Spetisbury, Dorset, DT11 9DG

- 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 Mrs Karen Moylan for a full award of costs against Cornwall Council.
 - Appeal A is against a refusal of a Lawful Development Certificate (LDC) regarding the use of a residential annexe as a single dwelling house.
 - Appeal B is the refusal of planning permission for the change of use to a C3 dwelling house.
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Decisions

1. The application for an award of costs in both Appeals A and B is dismissed.

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.

Appeal A

3. In respect of Appeal A, the appellant claims that the Council's position is not understood in respect of the nature of the breach; that no clear reasons were given for not accepting the appellant's version of events; that they have acted against well-settled authority; and, that they have failed to substantiate their reasons for taking enforcement action in terms of the level of harm. Reference is made to the PPG which indicates that enforcement is not appropriate for a breach which causes no material harm or adverse impact on amenity.
4. In response the Council indicate that that the nature of the breach is a material change of use and not a breach of condition. They say clear reasons have been given for serving the notice which included the appellant's lack of engagement and prevarication leading possibly to immunity from action; that the Council has provided grounds for not accepting the appellant's version of events; and the notice was served based on information available at the time.
5. The National Planning Policy Framework (NPPF) indicates that effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary and local planning authorities should act proportionately in responding to suspected breaches of planning control.

6. There is no real explanation by the Council regarding any material harm caused by the unauthorised use but it is assumed that it was considered expedient to take action for the reasons set out in the notice. This followed on as a progression from the two refused applications for an LDC and the impending time limit on enforcement. A fine judgement has often to be made about pursuing enforcement action and different Councils may approach matters differently depending on local policies and circumstances. Notwithstanding this, it does not mean that the actions of the Council in this case were representative of unreasonable behaviour leading to additional costs as they are entitled to reach their own view on the veracity of the evidence submitted to them. The fact that I have accepted the appellant's evidence regarding Mr Moylan's occupancy does not imply that the Council's approach is unreasonable.

Appeal B

7. In Appeal B, the appellant claims that the application was refused without good reason; not in accordance with the development plan or the NPPF: being inconsistent; making inaccurate assessment of the impact and failing to substantiate the refusal reasons. The Council has been unreasonable by not allowing the development under North Dorset Local Plan Policy 29 regarding the reuse of buildings in the countryside. The Council has argued that the location is isolated but later argue this relates to access to services.
8. In response, the Council indicates that its statement makes it clear that the site is not regarded as isolated but unsustainable in terms of accessibility, with poor connectivity to local facilities. The officer report states that the application does not meet the criteria set out in Policy 29 as it is 'isolated' from local facilities and does not meet any of the exceptional circumstances set out in the policy. Regard has been had of the NPPF.
9. The Council rejects the costs application as the merits of the appeal are a balance of planning considerations and they have not misinterpreted planning policy.
10. The appellant places considerable weight on the Council allegedly misinterpreting its own Policy 29 in respect of the re-use of buildings and whether the site is in an isolated location. The Council has made it clear in its officer report that this is in connection with access to convenient and safe access to local facilities and services. Whilst different decision makers may have arrived at different interpretations of policy as each case is dependent on its own facts, it appears that in this case the appellant is promoting their own interpretation to support a particular case. There is nothing unusual in this but because different points of view exist, it does not follow that the Council's approach represents unreasonable behaviour.

Conclusion

11. For the reasons given above, I conclude that in both appeals unreasonable behaviour resulting in unnecessary or wasted expense has not occurred.

P N Jarratt
INSPECTOR