

Costs Decision

Site Visit made on 17 February 2026

by **J Whitfield BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th April 2026

Costs application in relation to Appeal Ref: APP/D0840/X/24/3355630

Land at Crossroads, Creegbrowse TR4 8NE

- The application is made under the Town and Country Planning Act 1990 (the Act), sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs G E & Mr R Lampier for a full award of costs against Cornwall Council (the LPA).
 - The appeal was against the refusal of a certificate of lawful use or development for demolition of building to trigger commencement of works for PA18/09272.
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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 applicants' case is made on the basis that the LPA has behaved unreasonably in delaying development that should otherwise have been permitted by failing to confirm the lawful commencement of planning permission ref: PA18/09272 and that the LPA have not produced evidence to substantiate the reasons for refusal.
4. However, the onus is on the appellant in an LDC case to make out their case to the standard of the balance of probabilities. In essence, it is for the applicants' to have demonstrated, through evidence which is sufficiently precise and unambiguous, that the continuation of operations comprised in the 2018 permission would have been lawful, at the date of the LDC application, because the permission had lawfully commenced.
5. Whilst it can be seen from the appeal decision, that I have taken a different view to the LPA on some points of the reasoning, I have reached the same the overall conclusion as the LPA that the applicants have not discharged the burden to demonstrate lawfulness.
6. S195 of the Act refers to the LPA's 'refusal' being well-founded. Thus, my considerations are not confined to the LPA's reasons for issuing the decision, but rather the decision itself. Moreover, the LDC application being appealed was made to ascertain what is or would be lawful. It has appeared probable from the evidence before me that the matter in question was not lawful. It would thus be wrong to grant an LDC, even if the LPA had different (and misplaced) reasons for reaching the same conclusion.

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Whitfield

INSPECTOR