
Costs Decision

Hearing held on 19 May 2026

Site visit made on 19 and 20 May 2026

by Grahame J Kean B.A. (Hons) Solicitor, MRTPI

an Inspector appointed by the Secretary of State

Decision date 5 June 2026

Costs application in relation to Appeal Ref: APP/D0840/C/26/3377903

Land North of Newmill Cottages, Newmill, Penanze TR20 8UU

- 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 Scot Davies for a full award of costs against Cornwall Council.
 - The appeal was against an enforcement notice alleging residential use and construction of a timber building and associated works.
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Decision

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

The submissions for S

2. The costs application was submitted in writing.
3. The enforcement notice was issued prematurely. On 17 November 2025 S explained to the Council that the caravan and motorhome would be removed in a short period and late correspondence prevented a timely response, but no opportunity was given to resolve the matter by dialogue, prior to the service of the enforcement notice on 8 January 2026.
4. The Council failed properly to assess the circumstances prior to serving the notice; there was a change in ownership and occupation, and the presence of vehicles and materials on the land did not accurately reflect S's intended or ongoing use of the site. These matters were capable of resolution had meaningful engagement taken place, as shown by the subsequent removal of these items. Thus, the Council failed to engage constructively prior to enforcement, thereby denying the opportunity to resolve matters without recourse to an appeal, resulting in the unnecessary time and cost associated with preparing and pursuing the appeal.

The response by the Council

5. The response was made in writing.
6. Discussions were undertaken with S and the site was visited to assess the nature and extent of the alleged breach. It appeared to the Council that there had been a breach of planning control, and the harm was considered sufficient to justify the issue of an enforcement notice. S was given the opportunity to submit a planning application but that did not occur. The Council investigated the matter in accordance with its procedures and engaged with the appellant throughout the investigation. Enforcement action was taken as the planning harm was judged to be

unacceptable having regard to the development plan and other material considerations. The Council considers that it did not act unreasonably.

Reasons

7. 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.
8. An application for costs must demonstrate clearly how any alleged unreasonable behaviour resulted in such unnecessary or wasted expense. It appears that the Council took enforcement action in good faith, based on their assessment of whether it was expedient to do so. In the event the appeal was allowed.
9. However, costs do not necessarily follow the event. I can appreciate that S may consider that the Council did not engage positively with him with respect to the unauthorised development or fully consider how it might proactively assist with a what was seen as a worthwhile project capable of complying with planning policy. Furthermore, the Council should have been aware of information regarding the registered common status of part of the land that S brought forward at the appeal.
10. That said, and whether or not the enforcement action was precipitated by representations from third parties, some of which were not ultimately substantiated, the Council did present rational reasons for issuing and defending at the hearing, the notice. I am unable to conclude that the Council's actions or omissions resulted in unnecessary expense that necessarily caused the appeal to be made.
11. Therefore, an award of costs is not justified on the information available to me.

Grahame J Kean

INSPECTOR