The Planning Inspectorate

Costs Decision

Site visit made on 7 September 2016

by Mr J P Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 September 2016

Costs application in relation to Appeal Ref: APP/M2270/W/16/3148535
The Oast House, Fosters Farm, Hayesden Lane, Tonbridge, Kent TN11 9AN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr & Mrs Brown for a full award of costs against Tunbridge Wells Borough Council.
- The appeal was against the refusal to grant approval required under Class Q of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use and conversion of existing agricultural building to create 3 dwelling houses with associated car parking, amenity space and landscaping.

Decision

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

Reasons

2. The *Planning Practice Guidance* says that, irrespective of the outcome of an appeal, costs may only 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 contended the scheme accorded with Class Q of Part 3 of Schedule 2 of *The Town and Country Planning (General Permitted Development)(England) Order 2015*. As such, in refusing the application the Council acted unreasonably and the appeal was unnecessary.

4. However, for the reasons stated in my decision I have agreed with the Council concerning the conflict with circumstances (b) and (h) in Class Q, and so in that regard it has not acted unreasonably. Moreover, on the original plans the flues extended beyond the external dimensions of the existing building as they were shown to be higher than the ridgeline, while the works themselves were extensive in nature. Consequently I find that the Council was not unreasonable in its assessment of the scheme against circumstances (g) and (i).

Conclusions

5. Accordingly I conclude that unreasonable behaviour by the Council resulting in unnecessary expense for the Appellants has not been demonstrated.

J P Sargent

INSPECTOR