
Costs Decision

Site visit made on 13 December 2016

by David Walker MA MRTPI

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

Decision date: 12th January 2017

Costs application in relation to Appeal Ref: APP/W1145/W/16/3156231 Farm Building at Camp Farm, St Giles on the Heath, Launceston, Cornwall PL15 9SL

- 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 and Mrs Roger Daniel for a full award of costs against Torridge District Council.
 - The appeal was against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) for change of use of agricultural building to C3 residential dwelling with a small residential curtilage and use of an existing gateway for access with an off road parking and turning area.
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Decision

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

Reasons

2. Irrespective of the outcome of the 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 application is made on the basis that the Council did not take into account whether the proposed foundation and roof timbers amounted to development under section 55 (2)(a) of the Planning Act. Even if the works did amount to development it is submitted for the appellants that they would have been allowed under Class Q of the Order.
 4. Class Q permits specified building operations reasonably necessary for the building the subject of the proposed change of use to be converted to a dwellinghouse. It is a matter of some interpretation, however, whether works proposed in individual cases fall within the operations identified at paragraph Q.1 (i)(i) of the Order.
 5. The engineer's report submitted by the appellants provides an assessment of the condition of the building and its suitability for conversion on the basis of a visual inspection. I have accepted its findings on reflection of my own site inspection and having regard to the light touch approach to prior approval applications advocated by the Planning Practice Guidance (PPG). However, it is apparent from the engineer's report that, whether or not the new wall and roof timbers amount to development, they would both undoubtedly provide additional support for the building.
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6. In the light of the advice at paragraph ID: 13-105 of the PPG, which cautions against the construction of new structural elements, the Council was entitled to reach its own view on the adequacy of the engineer's report and the scope of the proposed works. The matter has inevitably required a planning judgement to be made and on this basis the appeal would have been required to test the information provided and the extent to which the building operations proposed would accord with Class Q (b) of the Order.
7. I do not find therefore that unreasonable behaviour in the manner described in the PPG has been demonstrated and as a result neither a full nor a partial award of costs is warranted.

David Walker

INSPECTOR