
Costs Decision

Site visit made on 24 January 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 8th February 2017.

Costs application in relation to Appeal Ref: APP/Y1138/W/16/3159503 Thorne Farm, Lane to Thorne Farm, Stoodleigh EX16 9QG

- 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 Mrs K Hawke for a full award of costs against Mid Devon District Council.
 - The appeal was against the refusal of planning permission for an agricultural farm office.
-

Decision

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

Reasons

2. 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 applicant states that the Council behaved unreasonably through preventing and delaying development that clearly should have been permitted. In particular, the applicant considers that the Council did not determine the application on the basis of the facts and applied planning policy incorrectly.
 4. The Council submits that it was of the opinion that the extensive facilities provided is tantamount to the creation of a new dwelling and, as such, the facilities are not reasonably necessary for a farm workers office.
 5. The policy test in this case is whether the proposal is reasonably necessary to support farming activity on the farm. It is clear from the email correspondence that the Council sought further information in respect of this test. Although more detail was subsequently provided, the Council was not satisfied that this demonstrated adequate justification for the farm office and continued to seek amended plans. Amendments were not submitted and, as a result, the Council concluded that the policy test had not been met. The Officer's report sets out the policy test and it is clear that the correct policy was applied, as referenced in the Council's decision notice.
 6. I accept that the Paragraph 55 of the National Planning Framework, also cited in the Council's decision notice, was not relevant to the proposal. However, this was not the sole policy reference nor was it the only basis on which the application was determined. Consequently, I do not find that the Council did
-

not determine the application on the basis of the facts and applied planning policy incorrectly.

7. To conclude, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified.

Debbie Moore

Inspector