
Costs Decision

Site visit made on 23 January 2017

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 17 February 2017

**Costs application in relation to Appeal Ref: APP/Z2830/W/16/3159844
Land off Bugbrooke Road, Cornhill, Towcester, Northants, NN12 8LQ.**

- 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 N Stanford for an award of costs against South Northants District Council.
 - The appeal was against the refusal of a Prior Notification under the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use of an agricultural building to a dwelling house.
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Decision

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

Reasons

2. The appellants submit that the Council acted unreasonably in refusing Prior Approval as the reasoning for the decision and the representation at appeal are based on an incorrect interpretation of the relevant planning law and government guidance about such conversions being permitted development. The Council was wrong about the extent of curtilage, and the extent of structural works proposed which are internal to the building. This failure resulted in the appellants' incurring the unnecessary costs of the appeal.
3. Given the reasons for my decision to dismiss the planning appeal it will be obvious that I do not accept the appellants' agent's submissions about the Council's interpretation of the law or government guidance. The Council had to make a judgement on the scale and nature of the proposed additional building operations necessary to the existing agricultural building to facilitate residential use. Although I reached a different conclusion to the Council on the character and nature of the additional land which could be regarded as curtilage, this was a matter of professional judgement rather than an error in law and procedure.
4. Overall, I am satisfied that the Council's decision was sound and that it was justified. It has therefore not acted unreasonably and the appellants' costs in lodging the appeal were the normal costs arising when the right of appeal is exercised.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

David Murray

INSPECTOR
