
Costs Decision

Site visit made on 13 June 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 26 July 2017

**Costs application in relation to Appeal Ref: APP/Y9507/W/17/3169454
Padwicks Farm, Whites Lane, Bepton GU29 0LY**

- 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 Mark Bilsland for a full award of costs against South Downs National Park Authority.
 - The appeal was against the refusal of the Council to grant approval under schedule 2, Part 6, Class A of Town and Country Planning (General Permitted Development) Order 2015 (GPDO) (as amended) for an agricultural storage building.
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Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance 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 Authority has accepted the agricultural use of the holding and has assessed the proposal in terms of passing the underlying test inherent in paragraph A of Class A concerning whether the agricultural development is necessary for the agricultural purposes. In this regard, it has determined that the agricultural justification statement (AJS) does not link the new farming approach to increase sheep all year round to the design of the proposed building. The Authority has questioned the need as to whether the building is necessary given the contracting out of many farming activities. The suitability of the existing buildings has been highlighted along with reference to the proposed building having a not dissimilar design. Although I have come to a different conclusion, such an assessment has substantiated its case on the agriculture reasonably necessary test with objective analysis and inevitably involves some subjective judgement in evaluating these considerations.
 4. The applicant claims no reference was made to the AJS. No specific reference was made to the document in either the officer's report or the decision notices. However the report has referred to the applicant's existing and future agricultural storage supporting the Authority's position that it considered the AJS. Furthermore the AJS has been referenced within its appeal statement to support its case. On this basis, the Authority's approach has not been flawed by omitting due consideration of the AJS.
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5. Procedurally, there is the question as to whether the Authority correctly determined the prior approval application. However Planning Practice Guidance indicates that an award of costs on procedural matters should deal solely with the appeal process and not to the procedure at the application stage. Even if it was argued that the errors could have prevented the need for an appeal, the Authority has substantiated its case on the reasonable necessary test.
6. The first decision notice suggests that the proposal falls within permitted development but taking the Authority's position as a whole, it has clearly determined that it was not satisfied that the proposal was permitted development due to it failing the reasonable necessary test. In this regard, the permitted development right has to comply with this limitation irrespective of the terms of the decision notice and the failure of the Authority to issue a decision to the Appellant within the prescribed timescale.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Having regard to the above and to all other matters raised, the application for an award of costs is refused.

Jonathon Parsons

INSPECTOR