



Costs Decision

Site visit made on 16 September 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 07 November 2019

Costs application in relation to Appeal Ref: APP/Z3825/W/19/3231644 Waves Farm, Kerves Lane, Horsham RH13 6RJ

- 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 Trevor Holden for a partial award of costs against Horsham District Council.
 - The appeal was against the refusal of an application for approval under a development order for change of use of existing agricultural building to two no. dwellings (Use Class C3) and associated operational development.
-

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 Guidance indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal.
4. The Council refused the prior approval application for the conversion of an agricultural building to two dwellings for a number of reasons, including that in its view, the works proposed went beyond what is reasonably necessary for the building to function as a dwelling, contrary to the provisions of Class Q of Part 3 of the Town & Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 (GPDO).
5. The applicant contends that this was unreasonable behaviour as the Council had taken the advice on structural suitability of the building from a Building Control Officer who had not visited the site, this advice was contradictory to the approach taken on other agricultural buildings and that the Council assessed this against out of date guidance, not in the context of what is permitted under the GPDO. It is further argued that the applicant's concerns have not been responded to as part of the appeal, nor has the additional information relating to the structural frame been commented upon by the Council.
6. From the Council's officers report the applicant's evidence was considered by the Building Control Officer. This evidence included a structural report and drawing, as well as the detailed floorplan. Whilst apparently not visiting the

site, the evidence gave sufficient detail to form a professional view. I recognise the acceptability of internal structural work may have differed on other advice, but I do not have all the information relating to that, the context or the full reasoning. Whilst this may appear contradictory to the applicant, I am reminded that each application must be considered on its own merits and in the absence of sufficient detail to understand any direct comparisons, and given my consideration of the issue in the main decision, I am not persuaded this element necessarily results in unreasonable behaviour.

7. Whilst reference was made by the Council to earlier guidance within the PPG relating to structural considerations, these do have parallels with the current requirements of Class Q relating to the ability to convert a building when considered overall. I recognise that the Council noted the applicant's additional structural information without full comment and has chosen to rely on its officer report on this matter. Whilst the Council has not provided a detailed response, it has contributed to the appeal and confirmed its position. I recognise the applicant has undertaken additional expense to produce the document, however it is not unreasonable for the Council to maintain its position.
8. I therefore find that unreasonable behaviour by the Council, resulting in unnecessary or wasted expense, as described the Planning Practice Guidance, has not been demonstrated and that a partial award of costs is not justified.

Tim Crouch

INSPECTOR