The Planning Inspectorate

Costs Decision

Hearing Held on 10 December 2020

Site visit made on 11 December 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2021

Costs application in relation to Appeal Ref: APP/N2345/W/20/3247034
Adamson's Farm, Eaves Lane, Cuddy Hill, Woodplumpton, Preston PR4 0BP

- 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 Preston City Council for a full award of costs against Mr Allan Peter Thornton.
- The hearing was in connection with an appeal against the refusal of planning permission for against the refusal of planning permission for the change of use from agricultural to residential land and the erection of a new farmhouse.

Decision

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

The submissions for Preston City Council

2. The costs application was submitted in writing during the hearing and presented orally.

3. The Council suggest that the appellant was fully aware of the essential need test, required by Local Plan policies and the National Planning Policy Framework, on which the proposal would have no reasonable chance of meeting. Accounts were also submitted at the hearing, which was late evidence and needed verification by accountants.

The response by Mr Allan Peter Thornton

4. The response was made orally.

5. If there was not an essential need for the dwelling then he would not have applied. The essential need was acknowledged as a long-standing test and its applicability was evident from the e-mail trail and submissions. Information was put to the Council, but they did not move on their stance. The scale of the operation warrants a dwelling. The business is a success and viability was proven on previous years and the submission at the hearing was merely an update.

Reasons

6. 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.

7. The assessment of the essential test in such a case is not an automatic conclusion but rather a matter of judgement of the operation and the nature of the holding. Whilst I have not found an essential need to be proven, nonetheless a case was made. The vulnerability and risks of rearing the young calves was emphasized and similarly the feeding and care were explained. Such calves are brought in which also incurs a financial risk. The lambing operation justifies a need, albeit only between January- May. The travel implications from the farmer's home were made clear including at times of flood. Although, I did not find the security implications justified the dwelling, it was nonetheless clearly put forward.

8. The accounts submitted at the hearing, reflected the current position. However, the operating budget of the farm was proven from previous years. The viability to support an agricultural worker was based on already submitted evidence. This was acknowledged by ADAS, the Council's advisors. Indeed, viability was only an issue in relation to the tenancy of land rather than its current operation. Consequently, these updated accounts were not substantive, and did not lead to wasted time.

Conclusion

9. For the above reasons I conclude that the Council has not acted unreasonably, and that the applicant has not been put to wasted time and expense in pursuing the appeal. Therefore, an award of costs as described in the Planning Practice Guidance is not justified.

John Longmuir

INSPECTOR