The Planning Inspectorate

Costs Decision

Site visit made on 31 March 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Costs application in relation to Appeal Ref: APP/P1133/W/20/3262045
Rushymeade, adj. Greenacres, Higher Ringmore Road, Shaldon TQ14 0HQ

- 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 & Mrs S & L Martin for a full award of costs against Teignbridge District Council.
- The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q, Paragraph Q.2.(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of agricultural building to a dwellinghouse and for building operations reasonably necessary for the conversion.

Decision

1. The application for an award of costs 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 appellants allege that the Council failed to have regard to the statutory definition of agriculture and caselaw concerning whether the grazing of horses is an agricultural activity. However, as described in the Council's officer report, reasons for refusal and my main decision, that is not the end of the matter.

4. To be permitted development, it is necessary that any agricultural use is for the purposes of a trade or business. That is a key part of the Council's case and the evidence does not confirm that such was the position at the relevant date of 20 March 2013. In this regard, whether or not the conclusions of a previous planning officer in respect of the use of the building were correct, and regardless of whether the Council's decision on the current matter was unduly influenced by those conclusions, it has not been demonstrated that the proposal is permitted development.

5. Considering the Council's case overall, I, therefore, find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

M Bale

INSPECTOR