The Planning Inspectorate

Costs Decision

Site visit made on 7 June 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2021

Costs application in relation to Appeal Ref: APP/E2001/W/21/3270645
Agricultural Building, Drewton Lane, South Cave, Hull HU15 2AG

- 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 Chris Taylor of Drewton Estates for a full award of costs against East Riding of Yorkshire Council.
- The appeal was against the refusal of planning permission for conversion of former agricultural building, alterations and associated infrastructure to provide 8 live/work dwellings.

Decision

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

Reasons

2. The Planning Practice Guidance (the 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 appellant submits that the Council has behaved unreasonably in a number of respects.

4. First, that the Council has refused the proposal on the grounds that the site is in an unsustainable location, when the exceptions of paragraph 79 of the National Planning Policy Framework (the Framework) do not include a limitation on this issue. However, the exception in this paragraph referred to by the appellant relates to the re-use of a 'redundant or disused building', and I have concluded that there is no substantive evidence that this is the case in the appeal before me. It is therefore not unreasonable for the Council to assess the proposal with regards to the sustainability of its location.

5. More fundamentally, I have also concluded that the site is not isolated within the terms of paragraph 79, and therefore the exceptions in that paragraph do not apply to the appeal proposal.

6. Second, the appellant considers that, by assessing the proposal as new-build development, the Council has not reflected the wording of its reasons for refusal. However, the Council has provided substantive evidence that the proposal goes beyond what could be considered a conversion, and on that basis the Council's comment in respect of the proposal representing new-build dwellings is not unreasonable.

7. The appellant expresses concern that the issue of conversion was not raised in correspondence during the application process. However, the Council's stance that the alterations proposed would go well beyond what could constitute a conversion is clearly stated in its first reason for refusal. The appellant has therefore had the opportunity to address this as part of the appeal process. I have also concluded that the proposal would not represent a conversion, so I cannot conclude that the Council has behaved unreasonably in that respect. Rather than moving the goalposts, the Council has reached a reasonable conclusion in that the proposal would not be a conversion of a building, and has proceeded to assess the proposal against the policies of the development plan and the Framework appropriately.

8. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

David Cross

INSPECTOR