The Planning Inspectorate

Costs Decision

Site Visit made on 27 September 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2021

Appeal Ref: APP/H1705/W/21/3275273
Dipper Barn Farm, Tufton, Whitchurch RG28 7RJ

- 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 M Prydderch for a full award of costs against Basingstoke and Deane Borough Council.
- The appeal was against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a development proposed described as, "Change of Use from Agricultural Building to Class 3 Dwellinghouse Consisting of Five Number Dwellings Under Class Q (a) & (b) Part 3 of the General Permitted Development Order".

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. For the reasons given in my appeal decision, I have found that the proposal would not comply with the requirements of the GPDO[1] with respect to whether the building operations proposed would be reasonably necessary for the building to function as a dwellinghouse. Hence, I consider that the Council's conclusions on this matter were sound, and that no unreasonable behaviour occurred.

4. Reference has also been made to the Council's decisions in relation to a number of previous Class Q applications. However, as Officer's Reports have not been provided for those applications it is not possible to scrutinise the internal logic applied by the Council for each of these cases. As such, nothing in the evidence provided convinces me that the Council treated this case inconsistently with those other examples cited.

5. Furthermore, whether the Council has operated inconsistently or not over a range of previous cases is not something that I can assess in the context of a Costs application which relates to a specific appeal proposal.

[1] The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Accordingly, I determine that the costs application should fail, and no award is made.

Alexander O'Doherty

INSPECTOR