



Costs Decision

Site visit made on 2 November 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2021

Costs application in relation to Appeal Ref: APP/P2935/W/213278643 Land to East of Edgewell House Farm, Edgewell House Road, Prudhoe NE42 5PD

- 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 Steve Underwood for a full award of costs against Northumberland County Council.
 - The appeal was against the Refusal of planning permission for Change of use of an existing agricultural building and conversion to 1no. dwelling.
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Decision

1. The award of costs is dismissed.

Reasons

2. Paragraph 30 of the national Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Applicant submits that the Council acted unreasonably in relation to procedural matters. They are of the view that the Council refused the planning application on the basis of the evidence presented from third party objectors that has not been adequately substantiated, and despite the evidence presented by the Applicant. This has therefore led to the Applicant incurring unnecessary and wasted expense.
4. The evidence presented with the appeal includes sworn affidavits, letters from neighbours living adjacent to the site, local farmers, tradespeople, and individuals who claim they have knowledge of the farm and building.
5. The burden of proof rests with the Applicant to demonstrate that the building has been used solely for an agricultural use within the specified dates in accordance with Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
6. The Council explained the various evidence presented in their Delegated Report and have taken these into account as part of their assessment.
7. The evidence submitted by third party objectors points to other uses within the building which casts doubt on its last use in agriculture.

8. The Applicant was made aware of late representations received to the proposal and agreed to an extension of time to allow them the opportunity to respond. I have no reason to dispute the Council's statement on this, or their comment that the Applicant did not provide any direct response.
9. Whilst there are different types of evidence on the contrary submitted by the Applicant, based on the content of their affidavits, site photographs and other evidence collected from various sources, I too have reached the same conclusion as the Council that their evidence is not sufficiently robust to demonstrate that the last use of the building was agricultural.
10. I am satisfied that the Council have not demonstrated unreasonable behaviour and, based on the information presented by the parties, have reached a reasoned conclusion on the matter.
11. None of the types of behaviour which may give rise to a substantive award under the PPG have been established, based on the above. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Alison Scott

INSPECTOR