



Costs Decision

Site visit made on 11 January 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2022

**Costs application in relation to APP/X3540/W/21/3274988
Barn A, Land adjacent Former Woodbarn Cottages, Seckford Hall Road,
Great Bealings, Suffolk, IP13 6NX**

- 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 Sharma for a full award of costs against East Suffolk Council.
 - The appeal was against the refusal to grant prior approval under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q, Paragraph Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for Prior Notification – Conversion of an agricultural building to a dwelling house pursuant to Class Q Part 3 of the Schedule 2 of the Town and Country Planning.
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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. The PPG states that examples of unreasonable behaviour by local planning authorities include (i) preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; (ii) persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable and (iii) vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis and (iv) not determining similar cases in a consistent manner.
4. A procedural award of costs may also be awarded against a local planning authority where proceedings are prolonged by the introduction of a new reason for refusal. The applicant considers that reference to the buildings current use and the discrepancies identified between the submitted plans were new matters introduced at appeal. However, the officers report does identify both of these issues and they are included within the reasons for refusal. The reasons for the refusal set out in the decision notice are complete, precise, specific and relevant to the application. The reasons have been adequately substantiated by the Council in its Officer Report and appeal statement.

5. I have considered the other examples cited by the appellant within their appeal statement and do not consider they demonstrate that the Council has acted inconsistently in its decision making, as I have identified a number of differences between those cases and the appeal scheme as set out in my decision. The applicant has also cited a further four prior notification decisions that the Council has granted within its application for costs
6. In particular in respect of DC/21/3511/PN3 the proposal includes the retention of the existing cladding with only minor repairs. DC/21/3094/PN3 was for the conversion of a traditional weatherboarded barn under a tiled roof and is therefore not directly comparable to the appeal proposal. The example cited of DC/20/0348/PN3 followed an earlier appeal decision and the Council was therefore bound by the findings of this Inspector in reaching their conclusions. The fourth example, DC/21/2398/PN3, again includes the retention of the existing roof and walls. Therefore, based on the evidence before me I conclude these examples do not represent similar cases or that the Council has acted inconsistently.
7. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme or give sufficient weight to the previous appeal decisions. Whilst there are areas where I have not agreed with the Council in regards to the requirements of Class Q, their points were supported by objective analysis and sufficient evidence has been provided to substantiate the points raised. The applicant considers that the Council has fundamentally misunderstood these requirements. However, as I have agreed with the Council on a number of these requirements I do not agree that the appeal, or the costs associated with it, could have been avoided.
8. I have found that the Council had reasonable concerns about the proposed development which justified its decision. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the application for costs is refused.

G Pannell

INSPECTOR