



Costs Decision

Site visit made on 7 June 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2022

Costs application in relation to Appeal Ref: APP/J1860/W/22/3294223 Sinton Green Farm Barn, Sinton Green, Nr Hallow, Worcester WR2 6NP

- 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 and Mrs M James for a full award of costs against Malvern Hills District Council.
 - The appeal was against the refusal of the Council to grant planning permission for conversion of steel and timber frame barn to a single dwelling, with part of the barn removed to create external amenity space. Siting and location of the building is as existing.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance ('PPG') explains how costs may be awarded against a party who has behaved unreasonably, and thereby directly caused another party to incur unnecessary expense at appeal. Costs applications may relate to events, if not expenses incurred, before an appeal was brought.
3. The applicant's case for an award of costs is on substantive grounds. This is firstly on the basis that the Council failed to produce evidence by suitably qualified individuals to substantiate their reason for refusal, relating to whether the works were reasonably necessary and the building capable of conversion. In failing to do so the applicant submits that the Council's decision was based on vague, generalised or inaccurate assertions, unsupported by objective analysis. As a result, the applicant considers that the Council prevented or delayed development which should clearly be permitted.
4. The applicant's evidence included a Structural Appraisal, Construction Method Statement and advice from TOR coatings on repair of the existing cladding. Having full regard to those reports, and notwithstanding that the existing cladding is to be retained, it will be seen from my decision that I reached the conclusion that the evidence submitted did not demonstrate that the building was capable of conversion. Whilst not questioning the professional opinion of the authors of those reports, and having regard to the other appeal decisions highlighted by the appellant for conversion of agricultural buildings to residential use, I found that the works would exceed what is reasonably necessary for conversion and instead amount to a rebuild.

5. It therefore follows that I do not find that the Council was unreasonable in reaching a similar view. Similarly, I cannot agree that the Council prevented or delayed development which should clearly be permitted.

Conclusion

6. For the above reasons I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

Rachel Hall

INSPECTOR