



Costs Decision

Site visit made on 21 March 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2022

Costs application in relation to Appeal Ref: APP/R0660/W/21/3287883 Greenfields, Plumley Moor Road, Plumley WA16 9SB

- 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 J Williamson & Sons for a full award of costs against Cheshire East Council.
 - The appeal was against the 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 ('the GPDO') for 'Change of Use of Agricultural Buildings to Dwellinghouses (Class C3), and for building operations reasonably necessary for the conversion'
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. The applicant contends that the Council has behaved unreasonably with respect to the substance of the matter under appeal.
3. The applicant states that it provided a detailed assessment of the building and proposal, including a structural report, that demonstrated the building was capable of conversion in accordance with the terms of the GPDO. It contends that, in failing to undertake its own expert report, the Council refused the application on a vague assertion about the suitability of the building for conversion, and thus acted unreasonably.
4. However, the provision of an expert report is not necessarily a pre-requisite for deciding on the suitability of the building for conversion in line with the relevant class of the GPDO. The Council did not challenge the works outlined within the applicant's structural report. Rather, it found that the cumulative extent of these indicated that the building was not already suitable for conversion.
5. Whilst it will be seen from my decision that I have taken a different view from the Council on the acceptability of the proposal, this is a matter of planning judgement. Overall, the Council's decision and reasoning is not so inadequate or irrational as to amount to unreasonable behaviour. The Council clearly substantiated its refusal with specific reference to the proposed works and the relevant parts and tests of the GPDO and case law. I am satisfied that the Council adequately set out its position.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense as described in the Planning Practice Guidance has not been demonstrated, and an award of costs is not justified.

C Rafferty

INSPECTOR