



Costs Decision

Site visit made on 31 August 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 October 2022

Costs application in relation to Appeal Ref: APP/P1940/W/21/3274015 Bullsland Farm, Bullsland Lane, Chorleywood WD3 5BG

- 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 S Hayes for a full award of costs against Three Rivers District Council.
 - The appeal was against the refusal of Prior Notification: Change of use of agricultural building to a single dwelling with operational works to building and associated curtilage.
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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 only 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 applicant's application for costs is based on the alleged unreasonable behaviour of the Council and wasted expense, for the reasons considered below.
4. Based on its submissions, in determining the applicant's application, the Council had regard to the information submitted with this, including the Legal Opinion and Structural Report and also took account of the Hibbitt case and the relevant provisions of the PPG.
5. The Council's first reason for refusal is based on an assessment of whether the existing building and the proposed works would meet the requirement that the building is capable of being converted to a dwelling and that those building operations would be to an extent reasonably necessary for the building to function as dwellinghouse. As set out in my Decision, these are matters of planning judgement for the decision maker. Overall, I am satisfied that the Council considered the application correctly and based on its assessment came to a view that the proposal does not constitute permitted development pursuant to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
6. The Council's second reason for refusal relates to the lack of access and curtilage for the proposed dwelling. The applicant asserts that the red line was limited to the extent of the existing barn based on the Council's advice. However, on the evidence before me there is nothing to confirm this.

7. Also, I have no clear evidence to support the applicant's allegations that the Council has not determined similar cases in a consistent manner and refused to enter into pre-application discussions.
8. Given all of the foregoing, I find that the Council did not act unreasonably in this case. Accordingly, it is not necessary to consider the question of unnecessary or wasted expense. I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated.

M Aqbal

INSPECTOR