



Costs Decision

Site visit made on 9 August 2022

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2022

Costs application in relation to Appeal Ref: APP/Y1138/3293932

The Barton, Road From Poughill Cross To Leys Cross, Poughill EX17 4LE

- 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 P & A Wander for a full award of costs against Mid Devon District Council.
 - The appeal was against the refusal of the Council 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 (as amended) for prior notification for the change of use of an agricultural building to 1 dwelling under Class Q(a) only.
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Decision

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

Reasons

2. The Planning Practice Guidance (the 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 applicants consider that the Council has assessed the proposal against criteria that do not apply, by judging it against tests that only apply for proposals made under Class Q(b) in respect of building operations. Other appeals¹ have been cited where Councils have determined Class Q(a) proposals on Class Q(b) grounds, including unreasonable behaviour. The applicants believe that the same applies here, both procedurally and substantively, in considering matters that are not relevant, which has resulted in the applicants incurring unnecessary and wasted expense.
4. The Council believes it has acted reasonably in all respects and that consideration of the siting and location of the building is a relevant matter in respect of an application for prior approval under Class Q(a), as set out in Q2(2). They also consider that the setting of heritage assets is a relevant consideration for this type of proposal.
5. In the main decision, I have found that matters in respect of whether the proposal amounts to a conversion does not form a consideration as part of this appeal. However, as evidenced by the Officer's Report, the Council had clearly judged the proposal as a Class Q(a) proposal and has not determined it as a

¹ APP/C3105/W/20/3264358 and APP/H1705/W/21/3275273

Q(b) application. Its approach was therefore not the same as in the examples cited by the applicant.

6. I have also found that it was not unreasonable for the Council to have considered the effects of the proposal on the setting of heritage assets of this Class Q(a) proposal. Therefore, in these respects, the Council has not behaved unreasonably, and the appeal could not have been avoided.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified.

O Marigold

INSPECTOR