



Costs Decision

Site visit made on 15 July 2022

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2022

Costs application in relation to APP/F0114/W/22/3300779 Stables and Tractor Shed at Meadow Farm, Ruett Lane, Farrington Gurney, Bristol BS39 6UP

- 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 Martin Pugh for a full award of costs against Bath and North East Somerset Council.
 - The appeal was against the refusal of prior approval under Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the conversion of an agricultural building to a three-bedroom dwelling.
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Decision

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

Reasons

2. Planning Policy 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 expense in the appeal process.
3. An award of costs is sought on substantive grounds and it is claimed that the Council has not justified its reason for refusal.
4. The PPG indicates examples of unreasonable behaviour, which includes preventing development that should clearly be permitted and/or failing to produce evidence to substantiate each reason for refusal. In such instances, local planning authorities will be at risk of an award being made against them.
5. I agree with the appellant that matters surrounding the lawfulness of vehicles travelling along a public right of way and having a right of access to the site are separate legal issues, which should not preclude the grant of prior approval.
6. Nevertheless, the Council has identified concerns relating to a lack of information on the parking arrangements surrounding the site and deficiencies in access for a fire tender. These are appropriate transport and highway issues that are to be considered under the prior approval process. Furthermore, it will be seen from my main decision that I felt that there were sufficient grounds for the Council to refuse the prior approval application due to highways safety concerns relating to the lack of appropriate access for a fire tender. Although the appellant has indicated that this matter could instead be addressed via

Building Regulations through providing the proposed dwelling with a sprinkler system, the onus is on the appellant to demonstrate such an approach would be acceptable. Insufficient evidence has been provided by the appellant to support this view.

7. As a result, it follows that I cannot agree that the local planning authority has acted unreasonably in its determination of the application. I therefore consider that unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. Consequently, having regard to all matters raised, an award for costs is not justified.

Lewis Condé

INSPECTOR