



Costs Decision

Site visit made on 24 October 2022

by S Edwards BA MA TCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2022

Costs application in relation to Appeal Ref: APP/L3815/W/22/3297757 Chalk Lane Nursery, 17a Chalk Lane, Sidlesham PO20 7LW

- 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 Hunter for a full award of costs against Chichester District Council.
 - The appeal was against the refusal to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for an agricultural barn.
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Decision

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

Reasons

2. The national Planning Practice Guidance¹ (the PPG) advises that costs may be awarded where a party has behaved unreasonably and thereby directly caused another party to incur unnecessary or wasted expense in the appeal process. Paragraph 049 of the PPG lists different types of behaviours which may give rise to a substantive award against local planning authorities.
3. The applicants consider that the Council acted unreasonably in failing to substantiate the reasons to refuse prior approval for the erection of an agricultural barn, regarding the size of the agricultural unit and the level of information required to establish the proposed building's need. The applicants have also questioned the relevant of previous Part 3, Class Q approvals for the purposes of the development now subject to this appeal. No costs rebuttal has been provided by the Council.
4. Prior approval applications have to be determined in accordance with the requirements set by the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). Schedule 2, Part 6, Class A permits the erection of agricultural buildings subject to a number of criteria. In particular, the agricultural unit has to be 5 hectares or more in area, the proposed building has to be reasonably necessary for the purposes of agriculture and would be so used for the purposes of a trade or business.
5. The reasons for refusal as set out in the decision notice are complete, precise and specific to the application, clearly setting out that insufficient information had been provided to meet the requirements of the GPDO. The wording of the GPDO implies that detailed information may need to be submitted to

¹ Paragraph: 030 Reference ID: 16-030-20140306.

demonstrate that the size of the agricultural unit meets the relevant threshold, and to establish the existence of a 'trade or business'.

6. On this basis, the Council was entitled to scrutinise and raise concerns regarding the level of information provided by the applicants. It follows that the Council did not behave in an unreasonable manner in finding that the presented evidence was not sufficient to demonstrate the proposal's compliance with the requirements of the GPDO.
7. Whilst I disagree with the Council's interpretation of paragraph A.1(b) and the relevance of previous Class Q approvals for the purposes of the proposal subject to this appeal, this does not to my mind constitute unreasonable behaviour. In any event, this would not have prevented the appeal, given other concerns raised by the Council regarding the proposal, as detailed above.
8. For these reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, an award of costs is not justified.

S Edwards

INSPECTOR