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## Costs Decision

Site visit made on 18 November 2022

**by Lewis Condé Msc, Bsc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 February 2023**

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### **Costs application in relation to APP/W1850/W/22/3301268 Barns South of Longford, Kingsland, Leominster HR6 9RY**

- 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 P Gwatkin against the decision of Herefordshire Council.
  - The appeal was against the decision to refuse planning permission for the 'Proposed conversion of three agricultural buildings to form two dwellings and garaging with associated landscaping and infrastructure'.
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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. The application essentially relies on the fact the Council Officers recommended that planning permission be granted for the proposal, but that the Council Members took a different course of action without adequate reason to do so.
4. Planning Practice Guidance indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal.
5. In this case I have noted the recommendation of the Council's Officers. However, the decision is one which is a matter of judgement. The Council Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view.
6. It will be seen from my decision that I agree with Council Members that the proposals would result in major reconstruction of the barns. Indeed, with respect to Barn 1 I also deemed the works proposed were tantamount to a new build development as opposed to a conversion. As such, there were sufficient grounds for refusing planning permission on the basis that the proposals did not conform with the development plan's spatial strategy for new dwellings.
7. Whilst I do not agree with the Council in respect of the effect of the proposal on the Kingsland Conservation Area (CA), this nevertheless remained a matter of planning judgement. Furthermore, the reasons for refusal as set out in the decision notice are, for the most part, complete, precise, specific, and relevant

to the application. They also clearly state the policies of the development plan that the proposal would conflict with.

8. Consequently, I cannot agree that the Council has acted unreasonably in its determination of the application. Accordingly, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. An award for costs is therefore not justified.

*Lewis Condé*

INSPECTOR