
Costs Decision

Site visit made on 30 January 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2023

Costs application in relation to Appeal Ref:

APP/D1265/W/22/3301715

Barn East of Castle Lane, Okeford Fitzpaine, Blandford Forum

DT11 ORL

- 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 Goddard for a full award of costs against Dorset Council.
 - The appeal was against the refusal of prior approval for the change of use and conversion of agricultural building into 1 No. dwelling (Class C3).
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) makes it clear that parties in planning appeals normally meet their own expenses. It also sets out that costs may only be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may include failure by the planning authority to substantiate a stated reason for refusal or relate to a procedural process.
3. The submitted evidence makes reference to the reliance by the Council on proposed internal works. This is referenced in the Officer Report and within an email from the Case Officer. The appellant is correct in pointing out that internal works are not prohibited by Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order), and whilst the Council's focus on this in the delegated report is unfortunate, the Council set out in their Statement of Case that they are considering the works as a whole, which may be internal or external, given the need to weatherproof the building.
4. Moreover, whilst individual elements of the proposed works proposed may each fall within those specified in Paragraph Q.1(i) of Class Q, it is a matter of judgment, for the decision maker, whether taken as a whole the building operations which would be required to provide a building suitable for residential use would be extensive and fall outside the statutory limits, or not.
5. The Council's refusal reason, as set out in the Decision Notice, sets out the issue and conflict with the Order that the Council have identified, namely that

they consider that the amount of work required would go beyond what is permitted under the Order.

6. The appellant also references a recent approval by the Council with regards to a Class Q conversion scheme elsewhere in the district. Given the individual elements of each agricultural structure, the differing amount of works proposed and the history of previous refusals and dismissals on the appeal site, I do not consider that an approval elsewhere by the Council represents inconsistency and unreasonable behaviour.
7. Unreasonable behaviour has not therefore been demonstrated in respect of these matters. Accordingly, and given that there is no requirement to engage a planning consultancy in order to appeal a decision the appellant's appeal-related expenses do not represent unnecessary or wasted expense in the appeal process.

Conclusion

8. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for an award of costs is therefore refused.

B Phillips

INSPECTOR