



Costs Decision

Site visit made on 17 January 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Costs Application in relation to Appeal Ref: APP/A3010/W/22/3305538 Agricultural Building, Daneshill Road, Torworth, Nottinghamshire DN22 8RB

- 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 A Stephenson of Tomlinson Family Trust for a full award of costs against Bassetlaw District Council.
 - The appeal was against the refusal to grant prior approval for the change of use of an agricultural building to dwellinghouse (Class C3).
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Decision

1. The application for a full award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) explains how costs may be awarded against a party who has behaved unreasonably, and thereby directly caused another party to incur unnecessary expense at appeal.
3. Paragraph 49 of the PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Examples include failure to produce evidence to substantiate each reason for refusal on appeal or making vague, generalised or inaccurate assertions about the proposal's impact which are unsupported by any objective analysis.
4. The Council has not provided a response to the costs application. It also has not supplied an appeal statement. However, the Council did set out its concerns and reasons for refusal in its delegated report.
5. The Council's delegated report sets out that, in its view, partial demolition is generally only permissible to the extent reasonably necessary to facilitate the works and that the current proposal '*would ultimately result in a building of a different size and form*'. Whilst the PPG is clear that some of the works permitted through the GPDO would affect the external appearance of the building, making an assessment as to what is reasonably necessary is a matter of fact and degree. On this basis, whilst I concluded differently, I am satisfied that the Council has adequately justified its approach and that its assessment does not amount to the vague, generalised or inaccurate assertions referred to in the PPG.

6. Whilst the applicant has provided numerous examples of appeals involving partial demolition as part of their appeal submission, there is no evidence before me that these were made available to the Council at the application stage. Indeed, the evidence before the Council during the determination period appears to have been relatively limited. Nevertheless, I am satisfied that it adequately considered that evidence in the context of the guidance in the PPG. Accordingly, it did not behave unreasonably in this regard.
7. The applicant has highlighted a potential contradiction in the delegated report. When describing the development, the report states that '*the external appearance of the building would remain largely unchanged*', however, as referred to above, in its assessment it argues that the demolition '*would ultimately result in a building of a different size and form*'. As the Council has not responded to the costs application, it is unclear if this is an error in its description of the development. Nonetheless, the Council makes its opinion clear in its conclusion and its reasons for refusal. I am therefore satisfied that the contradiction has not affected the outcome of the application and has not caused the applicant to incur unnecessary expense at appeal.

Conclusion

8. Having regard to the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Paul Martinson

INSPECTOR