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## Costs Decision

Site visit made on 30 May 2023

**by E Dade BA (Hons) MSc MRTPI**

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

**Decision date: 7 July 2023**

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### **Costs application in relation to Appeal Ref: APP/H0520/W/22/3309257 Grange Farm, Brook End, Catworth PE28 0PH**

- 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 The Strangward Charitable Trust for a full award of costs against Huntingdonshire District Council.
  - The appeal was against the refusal of prior approval for change of use and conversion of an agricultural building and its curtilage to two small dwellings.
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### **Decision**

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

### **Reasons**

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 49 of the PPG states 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, including failure to produce evidence to substantiate each reason for refusal on appeal.
4. The applicant contends that the Council has acted unreasonably as it has not provided any evidence to contradict the conclusions of its Building Condition Report (BCR) nor to demonstrate the scope of building operations required to convert the building exceed those permitted by Class Q.1(i) of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
5. The burden of proof falls on the appellant to demonstrate the building is capable of conversion. The BCR's conclusions were made by a Chartered Building Surveyor following a visual assessment of the building. In the absence of a comprehensive inspection of the structure, whether to accept the BCR's conclusions remains a matter of planning judgement. Whilst in my decision I concluded the evidence contained in the BCR is sufficient, I do not consider the Council acted unreasonably in reaching a view that the submitted evidence was not sufficient to demonstrate the building is capable of conversion.
6. The proposed conversion would involve building operations to enable the building to function as two dwellinghouses. Likewise, whether the proposed building operations would amount to a conversion or a rebuild, is a matter of planning judgement.

7. The Council's statement provides clear reasoning that, in light of its concerns that submitted evidence is not sufficient to demonstrate the structure can bear the load of the proposed building operations and the extent of the building operations required, the proposed development would exceed the scope of works permitted by Class Q. Whilst I found the proposed building operations would be permitted by Class Q, I do not consider the Council acted unreasonably in reaching an alternate view.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*E Dade*

INSPECTOR