



Costs Decisions

Site visit made on 4 July 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Costs application in relation to Appeal A Ref: APP/N1730/W/22/3307228 Stockman's Cottage, Bullocks Farm, Hillside, Odiham, HOOK, RG29 1HX

- 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 & Mrs David Rutherford for a full award of costs against Hart District Council.
 - The appeal was against the refusal of planning permission described as 'conversion of former agricultural building to a C3 (residential) use, and for listed building consent for the works to enable the conversion'.
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Costs application in relation to Appeal B Ref: APP/N1730/Y/22/3307229 Stockman's Cottage, Bullocks Farm, Hillside, Odiham, HOOK, RG29 1HX

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs David Rutherford for a full award of costs against Hart District Council.
 - The appeal was against the refusal of listed building consent for the works described as 'conversion of former agricultural building to a C3 (residential) use, and for listed building consent for the works to enable the conversion'.
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Decisions

1. The applications are 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. The applicants submit that the Council misconstrued or misunderstood the submitted Structural Assessment (SA), and in doing so made inaccurate assertions about the proposal's impact and prevented development which should have been permitted.
4. In my appeal decisions I found that the Council had significantly misunderstood the recommendations made in the SA and in doing so made inaccurate assertions about the proposal's impact. The Council's misinterpretation of the SA constitutes unreasonable behaviour. I also need to consider whether the unreasonable behaviour of the Council has resulted in unnecessary or wasted expense on the part of the applicants.
5. In my decisions I found that there were discrepancies between the recommendations of the SA and the detail set out on the proposed drawings

and summary of proposed work. Therefore, even if the Council had not misunderstood the recommendations of the SA, it cannot be assumed that it would have permitted the development as the submissions do not clearly set out the extent of work proposed. Indeed, in my decisions I was unable to conclude that the proposal would constitute the conversion of a redundant agricultural building as opposed to a rebuild given the conflicting information that was before me.

6. For these reasons I am not satisfied that the applicants have incurred unnecessary or wasted expense, and an award of costs is therefore not justified.

A Tucker

INSPECTOR