The Planning Inspectorate

Costs Decision

Hearing held on 10 October 2023

Site visit made on 10 October 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2023

Costs application in relation to Appeal Ref: APP/C1625/W/23/3325424
Land at Parford Farm, Wick Lane, Stinchcombe, Stroud, Gloucestershire GL11 6BD

- 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 Matt Parry & Ms Jody Langford for a full or partial award of costs against Stroud District Council.
- The appeal was against the refusal of planning permission for a temporary rural workers dwelling and erection of agricultural buildings with yard.

Decision

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

The submissions for Mr Matt Parry & Ms Jody Langford

2. The costs application was made orally at the hearing.

The response by Stroud District Council

3. The response was made in writing.

Reasons

4. 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.

5. The PPG sets out that Councils are at risk of an award of costs where they, amongst other matters:

    - prevent or delay development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations;
    - fail to produce evidence to substantiate each reason for refusal on appeal; and
    - make vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

6. The applicant states that the Council failed to produce evidence and made generalised assertions to substantiate reasons for refusal, in particular relating to the essential need to live at the site (specifically referenced by the applicant

within the costs application at the Hearing as being in relation to a 'functional test', and 'financial test'), highway safety and effect on character and appearance of the area. Following the decision of the Council, additional information had been provided at the appeal stage by the applicant, particularly in relation to the business plan of the pig rearing element of the proposal and revised financial projections.

7. Within the appeal timetable, the Council had the opportunity to provide written comments, and whilst an appeal statement was submitted acknowledging the additional information, no detailed comments were made in this regard, with the Council stating that their agricultural consultant would be in attendance at the Hearing to discuss the additional information in more detail.

8. I heard at the Hearing that the Council accepted that there would be a functional need for an agricultural worker to be permanently based at the site and the appellants current property would be too far from the appeal site to undertake essential tasks. However, the Council's reasons for refusal relate to a failure to demonstrate an essential need which includes more than just a functional requirement to be based at the site. As I have found in the main decision, for an essential need to be demonstrated there must also be clear evidence of a firm intention and ability to develop the enterprise, and that the enterprise is planned on a sound financial basis.

9. Whilst it would have been beneficial for the Council to outline that it accepted a functional need, particularly given the additional information, it did nevertheless maintain its concerns on the grounds of the firm intention and ability to develop the enterprise. The applicant also contends that detailed financial evidence was supplied to the Council, and the Council have failed to provide any evidence or alternative figures to refute those provided by the applicant.

10. Updated figures were supplied within the appeal process which I agree allowed for an understanding of the financial projections. However, the Council were clear in their Officer report and maintained at the Hearing that their concerns related to both the suitability of ground conditions at the site to achieve projected sales and lack of evidence of a future market for the product. Indeed, I have found in the main decision evidence on these matters lacking.

11. While I have found in favour of the applicant in relation to the effect on highway safety and character and appearance, these are matters of planning judgement, and reasons for refusal in these matters are clearly laid out and refer to relevant development plan policies. Furthermore, although I note the applicant contends that Government advice relates to highway impacts being 'severe', the National Planning Policy Framework also states that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety',* whilst the development plan policy referred to within the reason for refusal seeks to avoid significant highway problems. Therefore, the Council's considerations in relation to highway safety were reasonable.

12. Whilst I appreciate that the outcome of the planning application will have been a disappointment to the appellant, the Council were not unreasonable in coming to its decision. I am satisfied that the Council has shown that it was able to substantiate its reasons for refusal. No unreasonable behaviour has been demonstrated in this regard.

13. The PPG states that where a local planning authority has refused a planning application for a proposal that is not in accordance with development plan policy, and no material considerations indicate that planning permission should have been granted, there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application. I consider that these circumstances arise in this case and therefore that the Council did not prevent or delay development which should clearly be permitted.

14. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

S Harrington

INSPECTOR