



Costs Decision

Site visit made on 23 January 2024

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2024

Costs application in relation to Appeal A Ref: APP/M9496/W/23/3324250 Wrights Farm, Clayholes Road, Kettleshulme SK23 7EH

- 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 Mark Heyes for a full award of costs against Peak District National Park Authority.
- The appeal was against the refusal of planning permission for *'renovation of the farmhouse glass linking to change of use of the outbuildings and replacement of the Nissan hut to ensure protection of the heritage and the farm's long term viability. Rebuilding of the stables in keeping materials at a standard size to better support the viability of the land'*.

Costs application in relation to Appeal B Ref: APP/M9496/Y/23/3324249 Wrights Farm, Clayholes Road, Kettleshulme SK23 7EH

- 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 Mark Heyes for a full award of costs against Peak District National Park Authority.
 - The appeal was against the refusal of listed building consent for *'planning submission for renovation of the farmhouse linking to change of use of the outbuildings and replacement of the Nissan hut to ensure protection of the heritage and farm's long term viability. Rebuilding of the stables in keeping materials at a standard size to better support the viability of the land'*.
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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. The applicant is of the view that the local planning authority (LPA) have acted unreasonable in the time taken to determine the applications. The applicant also alleges that the LPA has had lack of due diligence when assessing the case, including the plans and giving conflicting advice.
4. The PPG sets out that costs cannot be claimed for the period during the determination of the planning application, but all parties are expected to behave reasonably throughout the planning process. The PPG also says if it is clear that the LPA fails to determine an application within the time limits, it should give the applicant a proper explanation.
5. In these cases, the listed building consent application was submitted in December 2021 and the planning application submitted in May 2022. Both

applications were determined by the Planning Committee on 9 December 2022 and decision notices issued on 21 December 2022. The LPA in their rebuttal state that the long delay in determination is regrettable and due to the impacts of Covid and staffing issues which impacted on planning service delivery during that time.

6. Although, I consider this could amount to unreasonable behaviour from the LPA due to the time lapse I see no reason why the applications would not be determined together. Based on the information provided and the notable dialogue that appears to have taken place through emails and meetings during and prior to the application being determined there were fundamental disagreements between the main parties. This included several issues on the nature of the development scheme, lack of details and uncertainty over the proposed works rather than amounting to conflicting advice being given. The information before me shows the LPA requested what was required to be provided and the applicant was also given several opportunities to make further representations throughout the planning process.
7. Moreover, the applicant if they had wished to do so could have made an appeal at any point for non-determination within the statutory period if an extension of time had not been agreed in writing.
8. In terms of any pre-application advice the PPG does not give a definitive timeline of when this should be completed and that there is no one-size fits all approach to providing efficient and effective pre-application services. LPAs are encouraged to take a flexible, tailored and timely approach to the pre-application services they offer, which are appropriate to the nature and scale of a proposed development. Pre-application advice that is provided by the LPA cannot pre-empt the democratic decision-making process or a particular outcome, in the event that a formal planning application is made.
9. The formal appeal decision sets out the reasons that it is imperative that proposals in heritage cases affecting listed buildings are accompanied by clear justification, drawings and specifications of sufficient detail to illustrate / or describe the proposed works to avoid uncertainty and to ensure that it would meet the requirements of the Act¹.
10. As such, the information presented in both the applications and appeal submissions set out how the LPA came to their conclusions on the proposals including those details that required clarification. In addition, the reason for refusal on both the Council's decision notices included that inadequate and inaccurate plans were submitted to be certain of the extent of the proposal or be able to fully ascertain the impact on the listed building. I therefore consider that it is a case which could have only been resolved by way of an appeal, and as such, I find the Council did not act unreasonably in assessing the applications or coming to its decision.
11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense as defined by the PPG has not occurred and an award of costs is not warranted.

K A Taylor

INSPECTOR

¹ Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)