



Costs Decision

Site visit made on 20 August 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2024

Costs application in relation to Appeal Ref: APP/C3430/W/23/3333793 Whiston Barns, Whiston Road, Whiston, Staffordshire ST19 5QH

- 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 A Mould of B J Mould Ltd for a full award of costs against South Staffordshire District Council.
 - The appeal was against the refusal of an 'application to determine if prior approval is required for a proposed change of use of an agricultural building to 1 no. dwellinghouse (Use Class C3), and for building operations reasonably necessary for the conversion'.
-

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 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. Part of the appellant's claim is that the Council behaved unreasonably by not accepting additional information, even though the Conservation Officer had requested it, and then went on to include a reason for refusal in its decision which referred to insufficient information. Furthermore, the appellant contends that such additional information could have been secured through a condition.
4. Considering the fundamental disagreement between the parties as to whether the proposal fell within the ambit of Class Q, I consider that the Council acted reasonably by not agreeing to the submission of amended plans or additional information, and reaching its decision on the basis of the information included with the application when submitted.
5. I note that no additional information, such as cross-section drawings has been prepared and submitted at the appeal stage. Therefore, even if I agreed with the appellant that the Council's refusal to consider any amended plans or additional information was a lack of co-operation that could be said to constitute unreasonable behaviour, no unnecessary or wasted expense was incurred in the appeal process. Moreover, given the disagreement I have referred to above, the provision of this information, or acceptance that it could be secured by condition, would not have changed the outcome of the application or avoided an appeal.

-
6. The appellant also states that the Council was inconsistent in its decision making by treating similar conversion schemes differently and has referred to appeal decisions for other Class Q developments. There are some similarities in the cases where the demolition of a separate building is involved. However, as I have stated in the Appeal Decision, the issues around Class Q are highly fact sensitive and can turn on an array of site-specific circumstances. Whilst consistency is important in the planning process, I am not satisfied, on the basis of the information before me, that the circumstances of any of the cases referred to are the same as in this case, in particular whether the demolition of any separate building was necessary to ensure the acceptability of the proposed conversion to a dwellinghouse.
 7. I do not therefore find that inconsistency in decision making amounts to unreasonable behaviour. Even if there was, it is unclear how this has caused unnecessary expense in the appeal process itself.
 8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Elaine Moulton

INSPECTOR