



Costs Decision

Site visit made on 8 October 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 16 October 2024

Costs application in relation to Appeal Ref: APP/X1545/W/24/3342555 Oakfield Farm Hyde Chase, Purleigh, Essex CM9 6TN

- 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 Mike King for a full award of costs against Maldon District Council.
- The appeal was against the refusal of the Council to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of an agricultural barn to a dwellinghouse (use Class C3).

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. The main issue in considering the appeal was whether the proposal fell within the scope that is allowed under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) in order to be permitted development. The applicant asserts that the Council applied the wrong test in identifying whether the appeal building would benefit from the Class Q permitted development rights, which led to the appeal being submitted.
4. I agreed with the Council that the proposal fell outside of the scope of Class Q. The Council did not act unreasonably in seeking to resist development on this ground and it did not prevent or delay development which should clearly have been permitted. The Council clearly referred to the cessation of the agricultural use in both the reason for refusal and its Officer's Report and related this point back to the requirements of Schedule 2, Part 3, Class Q of the GPDO.
5. I note concerns raised by the applicant regarding the responses from the Council's ecological consultants and the Parish Council and how the Council dealt with a previous prior approval application. However, these matters were not determinative to the Council's decision. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

G Dring
INSPECTOR