



Costs Decision

Site visit made on 9 January 2025

by **Rachael Pipkin BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th January 2025

Costs application in relation to Appeal Ref: APP/R3325/W/24/3350211 Manor Farm, Knowle Lane, Knowle St Giles, Chard, Somerset TA20 3DA

- 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 James Denslow for a full award of costs against Somerset Council.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for development described as 'This scheme proposes the conversion of three existing barns to 4 dwellings - 3nr small dwellings and 1nr large dwellings. The buildings are located on Manor Farm, north of Knowle Lane'.
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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 considers that the Council has acted unreasonably on a substantive basis in that it has made vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; acted contrary to, or not followed, well-established case law; and not determined similar cases in a consistent manner. This has resulted in unnecessary expense for the applicant at appeal.
4. The applicant asserts that the Council's reference to the buildings being outside of the red line of the application site as a concern as being contrary to well-established case law. However, the Council did not refuse the application on this basis but referred to this as part of its overall assessment as to whether the proposed demolition went beyond what was considered reasonably necessary to carry out building operations allowed under paragraph Q.1(i)(i) of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The Council has not failed to follow well-established case law.
5. The Council's officer report stated that it did not consider the removal of the barns to the south-east and south-west and the slurry tank as being reasonably necessary to carry out building operations allowed under paragraph Q.1(i)(i). Whilst these were not identified as Barns A, B and E as they are labelled on the 'Proposed

Demolition Plan'¹, they were nevertheless identifiable as those barns and the slurry tank. There is nothing in the officer report that indicates that the removal of Barns F and H were of concern. The Council did not make vague assertions and behave unreasonably in this regard.

6. The planning statement submitted with the application for prior approval indicates that the demolition of the barns would be to ensure that the proposed new dwellings would not be in an undesirable location in terms of potential amenity conflicts. This appears to have been acknowledged in the officer report which refers to the demolition so no noise polluting sources would remain on the site. The Flood Risk Technical Note submitted with the application also refers to the removal of the barns in respect of flood storage. The officer report acknowledges that based on this information, the objection from the Environment Agency was removed. Therefore, there is evidence that these matters were, to a degree, being considered at the application stage. As such, whilst I accept the Council covered these matters in greater detail within its statement of case, I do not find that these were introduced as new issues by the Council at appeal stage.
7. In any event, as will be seen from my decision, the appeal fails because the extent of demolition would exceed the overarching requirements of Paragraph Q(b) and it would not be permitted development. The detailed prior approval matters under Q.2(1) of the GPDO including, amongst other things, in respect of noise impacts, flood risk and location and siting do not fall to be considered as part of the determination of this appeal. The Council's reason for refusal correctly stated that the scheme did not meet the requirements of Q.1(i)(i). There was therefore no need to consider the Q.2(1) matters. Whilst the Council has addressed these points in its statement of case, it has not introduced a new reason for refusal or new issues into the process. There is nothing unreasonable in this.
8. As will be seen from my decision, the appeals submitted in support of the applicant's position relate to Q.2(1) matters. As the Council's decision related to Q.1(i)(i) matters, these decisions are not relevant. It therefore follows that I have no firm evidence indicating that the Council has been inconsistent in its decision making.
9. For these reasons, I find that the Council has not behaved unreasonably on substantive grounds. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Rachael Pipkin

INSPECTOR

¹ Drawing Number 1821/004 Rev G