



Costs Decision

Site visit made on 25 February 2025

by **J Moore BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 April 2025

Costs application in relation to Appeal Ref: APP/Y3615/W/24/3355147

Park Farm, Elmgrove Lane, Normandy GU3 2BN

- 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 Alan Bath for a full award of costs against Guildford Borough Council.
 - The appeal was against the refusal of the Council to grant prior approval 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) (the Order) for development originally described as: *Prior Approval under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the conversion of agricultural building to create 1 number 1 bedroom dwelling (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwelling houses) of that Schedule.*
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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 contends that the Council has acted unreasonably in refusing the application for prior approval as sufficient evidence has been given in accompanying appeal decisions (as set out in the Planning Statement accompanying the planning application) to clearly demonstrate that the barns qualify for prior approval. Further that the Council's approach is not aligned with the spirit of the Order, and the appellant has been put to significant delay as a consequence.
4. It is not clear what delay the applicant may have experienced. There is no compelling evidence to demonstrate that the Council did not determine the prior approval application within the prescribed time limits.
5. The OR clearly took account of relevant caselaw and addressed the appeal decisions put forward by the applicant, setting out where such cases were comparable or not to the proposal, with reasons. At the end of this section of the OR, the author sets out (among other things) that there is little information to detail the works proposed to convert the building and sets out the likely scope of such works, concluding that collectively they would amount to rebuilding, such that they would be beyond what would be reasonably necessary to function as a dwelling house.

6. The PPG advises that where local planning authorities have exercised their duty to determine a planning application in a reasonable manner, they should not be liable for an award of costs. There is no compelling evidence to demonstrate that the Council did not so exercise their duty, and the onus is on the applicant to demonstrate compliance with the requirements of the Order.
7. Having regard to all of the above, there is no compelling evidence to demonstrate that the Council has behaved unreasonably in either procedural or substantive terms.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated, and an award of costs is not warranted.

J Moore

INSPECTOR