



Costs Decision

Site visit made on 9 April 2025

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Costs application in relation to Appeal Ref: APP/P1560/W/24/3355451 Bonds Farm, Holland Road, Little Clacton CO16 9QE

- 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 Byford for a full award of costs against Tendring District Council.
 - The appeal was against the refusal to grant approval for the conversion of an agricultural storage building into a dwelling.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, and that behaviour has directly caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application is seeking to recover the full costs incurred in the appeal process. The applicant considers that the Council behaved unreasonably as it failed to produce evidence to substantiate its reason for refusal on appeal and did not determine similar cases in a consistent matter.
4. The Council's case comprises its planning officer's report (the report) and appeal statement (the statement). Whilst the Council's Environmental Protection Officer did not raise issues relating to the proximity of the site to the haulage yard and abattoir, the report clearly sets out why the Council considers that the location or siting of the building makes it otherwise impractical or undesirable to change from agricultural use to a dwelling. The statement responds to several points made by the applicant on this matter. Therefore, the Council has provided evidence to substantiate its reason for refusal on appeal.
5. There is reference to an appeal in 2023¹ and to a subsequent application² for the adjacent barn in which no concerns were raised about health and safety and odours. However, in those instances, it was found that the proposals would not be permitted development (PD) under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). As such, it was not necessary to consider whether the location

¹ Appeal ref APP/P1560/W/22/3295625

² Application ref 23/00173/COUNOT

or siting of the building made it otherwise impractical or undesirable to change from agricultural to residential use in those cases.

6. In contrast, the current proposal is PD and thus the Council correctly considered whether it would meet the conditions in paragraph Q2 of the GPDO, finding that it would fail to satisfy the condition at paragraph Q2(1)(e). Overall, I have agreed that the location and siting of the building makes it impractical or undesirable to change from agricultural use to a dwellinghouse and dismissed the appeal.
7. In view of all the above points, I do not consider that the Council's behaviour has been unreasonable. It thus follows that the applicant has not incurred any unnecessary expense. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

A Wright

INSPECTOR