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## Costs Decision

Site visit made on 24 March 2025

**by R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 June 2025

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### **Costs application in relation to Appeal Ref: APP/P1560/W/24/3349933**

#### **Land adjacent The Willows, Little Clacton Road, Great Holland, CO13 0ET**

- 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 Stevens for a full award of costs against Tendring District Council.
  - The appeal was against the refusal of the Council to grant planning permission for demolition of a former livestock building and replacement with a two-bed bungalow.
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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 where the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Both the unreasonable behaviour and an outline of the unnecessary or wasted expense incurred because of this should be demonstrated in an application for costs.
3. The appellant's claim against the Council is made on the grounds that the Council afforded very little weight to the suggested fallback position based on its view that the conversion of the existing building to a dwelling under Class Q of the GPDO was no longer considered to be feasible. The Council reached this view having regard to the condition of the building and a recent appeal decision.
4. The Council has not disputed any of the findings of the appellant's structural survey of the building or its past use. The matter of dispute relates to the extent of works permitted by Class Q, and whether the extent of works required to convert the existing building would be tantamount to a new building or rebuild as opposed to a conversion, which is a matter of planning judgement. As I have not been provided with any plans for the suggested fallback Class Q conversion, I have not made any judgement of my own on that matter. Having regard to the uncertainty around the possibility of converting the existing building under either a new Class Q consent or full planning permission, I also gave very limited weight to this potential fallback position in reaching my decision. The weight to give to any material consideration is always up to the decision maker.
5. The Council was entitled to reach a different view on the prospects of a conversion to that which it reached several years earlier, given that the building has since changed, because of weather damage and subsequent repairs, and having considered another decision that has come to their attention since that time. It was

also entitled to reduce the weight it gave to the potential fallback position in comparison to previous applications having regard to these changes.

6. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*R Bartlett*

INSPECTOR