



Costs Decision

Site visit made on 3 June 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2025

Costs application in relation to Appeal Ref: APP/M9496/W/24/3353578

Pyegreave Farm, Cowlow Lane, Combs, Derbyshire SK23 9UX

- 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 P Knowles for a partial award of costs against Peak District National Park Authority.
 - The appeal was against the refusal of planning permission for conversion of existing redundant barn to dwelling.
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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 claims that the Authority acted unreasonably by refusing a development almost identical to a previously permitted scheme, namely the conversion of the appeal building to holiday accommodation¹. As such, the Authority did not determine similar cases in a consistent manner. Furthermore, the applicant considers that the Authority failed to grant a further planning permission for a scheme that is subject of an extant or recently expired permission where there has been no material change in circumstances.
4. In addition, the applicant considers that the Authority did not undertake its duty under the DMPO² to work in a positive and proactive manner as an opportunity was not given to the applicant to address the matters set out in reasons for refusal three and four of the decision notice. The applicant contends, therefore, that the Authority acted unreasonably by refusing permission on planning grounds that were capable of being dealt with by conditions.
5. For the reasons set out in my formal Decision, I have found that the extent of the alterations to the appeal building as proposed in the scheme before me, are materially and notably different from that previously approved. In combination with the associated changes to the immediate surroundings, such alterations would result in unacceptable harm to the character and appearance of the building and the wider landscape. Therefore, even if I had accepted the applicant's claim that the holiday accommodation permission remains extant and, if not, had only recently

¹ Reference NP/HPK/0718/0637

² The Town and Country Planning (Development Management Procedure) (England) Order 2015

expired, the appeal proposal amounts to a material change in circumstances. Furthermore, as I consider that the cases are not similar, I find that there is no evidence that the Authority has been inconsistent in its decision making. It has therefore not acted unreasonably in this regard.

6. My Decision sets out why I consider that three parking spaces, as required by adopted policy, could be secured by condition. As such, I have not agreed with the Authority that the proposed parking provision would be substandard. Nonetheless, I have found that the parking of three vehicles would contribute to the identified harmful domestication of the appeal site. Accordingly, it follows that in respect of the concerns expressed relating to the adverse effects of parking on the character and significance of the building, its setting and harm to the landscape character, the Authority's third reason for refusal was justified. Such harm could not have been addressed through the imposition of a planning condition.
7. It appears to me that had pre-application discussions been available to the applicant, or had additional time been given during the application process to enable further survey information to be obtained, the fourth reason for refusal could have been avoided. However, given the Authority's overall stance, this would not have obviated the appeal. In such circumstances the decision of the Authority not to request further supporting information during the application process in respect of protected species and their habitats, which would have incurred additional expense and would not have resulted in the issuing of a planning permission, was reasonable and justified. Furthermore, I have found, for the reasons set out in my Decision, that the matter was not capable of being dealt with by condition.
8. I find, therefore, that the Authority has not acted unreasonably in including the third and fourth reasons for refusal in its decision notice as such matters were not capable of being dealt with by condition. Furthermore, it has not been demonstrated that the Authority behaved unreasonably by not undertaking its duty to act in a positive or proactive manner.
9. Therefore, in conclusion, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Elaine Moulton

INSPECTOR