Planning Inspectorate

Costs Decision

Site visit made on 2 September 2025

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2025

Costs application in relation to Appeal Ref: APP/B3438/W/25/3364059
Big Shaffalong Farm, Shaffalong Lane, Cheddleton, Staffordshire, ST13 7LE

- 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 John Pointon and Sons Ltd for a full award of costs against Staffordshire Moorlands District Council.
- The appeal was against the refusal of prior approval for change of use of an agricultural building to two dwellinghouses (Use Class C3) and associated operational development.

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that parties in planning appeals normally meet their own expenses. However, it goes on to state 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. Moreover, although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.

3. Unreasonable behaviour in this context can be taken to be either procedural, relating to the process; or substantive, relating to the issues arising from the merits of the appeal. In this case, the allegations from the applicant are based on both substantive and procedural grounds.

4. Paragraphs 047 and 049 of the Planning Practice Guidance offer some examples of unreasonable behaviour by local planning authorities, albeit neither list is exhaustive. For the purposes of this application, this includes making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; and persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable

5. More specifically it is alleged that the Council misapplied the relevant provisions of schedule 2, part 3, class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) with regards to the transitional arrangements outlined in SI 2024 No. 579 whereby an applicant can choose to have their application assessed under the previous provisions provided the

application is lodged prior to May 2025. As discussed in my appeal decision, the Council has admitted it erred in this approach and as such, there is no dispute that the Council was procedurally wrong on this ground to find that the proposal was not permitted due to the floor space of the overall proposal.

6. On the second ground it is alleged that the Council offered limited objective analysis of the design and external appearance of the building while also incorrectly stating that the development was required to significantly improve the character and appearance of the area. While the assessment of these matters was somewhat scant in substance, this is expanded upon in the Council's appeal statement and as such, there was a reasonable assessment of the design considerations carried out.

7. While I understand that the design may have followed a previous refusal at the site which led to a reduction in size of the building, the Council is not bound to approve the proposal on this basis alone and is within its rights to assess the proposal on its own merits. Furthermore, while there may be no requirement in the GPDO for a conversion under Class Q to significantly improve the appearance of the building, the decision notice refers to the correct sections of the GPDO and references the matters at hand, most pertinently the design and external appearance due to the scale and form. As such, while some of the nomenclature may differ, the general approach to assessing the design and external appearance was not unreasonable.

8. The final ground upon which the costs application refers is that the Council refused the application which the Secretary of State or an Inspector has previously indicated to be acceptable. However, the case cited involves a separate appeal site entirely and while the issues may be similar, the Willowshaw Farm appeal would have had its own site-specific circumstances and considerations. A similarity in that proposal does not indicate that the same decision must be made in this proposal and I disagree on the third ground of this application.

9. As such, I do not find that these matters have caused the applicant unnecessary expense through unreasonable behaviour. While there may have been a procedural error in the way the Council assessed the scheme based on the transitional agreements, ultimately, there were fundamental disagreements relating to the design and external appearance of the proposal resulting in the refusal to grant prior approval which could have only been resolved by way of an appeal.

Conclusion

10. Therefore, while I disagreed with the Council in their assessment of the design and external appearance of the building, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not warranted. The application is therefore refused.

C McDonagh

INSPECTOR