



Costs Decision

Site visit made on 23 September 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 November 2025

Costs application in relation to Appeal Ref: APP/Q3115/W/25/3366845 Dutch Barn at Manor Farm, Brookstones, Sydenham OX39 4LZ

- 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 J Quesnel for a full award of costs against South Oxfordshire District Council.
 - The appeal was against the refusal of prior approval in respect of transport and highway impact, noise, contamination risk, flooding and locational considerations for the conversion of a disused barn last used for the purposes of agricultural into a dwellinghouse (Class Q(a)) and in relation to design and external appearance of the building (Class Q(b)).
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 costs application asserts that the Council has prevented and delayed development which should clearly have been permitted. The applicant asserts that the Council made inaccurate assertions regarding the structural integrity of the building, failed to substantiate its reason for refusal, failed to follow case law, and failed to act in a consistent manner.
4. Prior approval has been previously granted for the conversion of the barn to a dwellinghouse which has subsequently expired without the consent having been implemented. The previous consent was granted without the benefit of a structural report of the building or a detailed description of the proposed works. In all other respects, the proposed development is the same as that previously granted consent.
5. The structural report identified that the three-sided barn is structurally sound and, subject to small areas of repair due to corrosion, would be suitable for conversion. The Council however considered the barn as a skeletal structure akin to that within the *Hibbitt and Another v SSCLG (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin)* judgement. In doing so, the Council then reviewed the works required to create a dwelling and concluded that the extent of work required amounted to a rebuild, in line with the *Hibbitt* judgement, as they went beyond those that would be reasonably necessary.

6. Article 3(1) and Schedule 2, Part 3, Class Q, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (Class Q) and the PPG permit a wide range of works for the benefit of the conversion of agricultural buildings to dwellings, including the provision of windows, doors and exterior walls. The proposed conversion would not go beyond those set out within Class Q.
7. To use the building as a dwelling, the provision of a floor and, an internal structure to create a first floor is also required. The previous consent proposed a similar layout also requiring internal works for the provision of a first floor and new concrete floor slab. The apparent difference between this proposal and the previous consent is that the works proposed are now detailed and defined. The PPG is clear that internal works are not generally development; that they may be required for the use as a dwelling and can include structural internal works.
8. Neither the PPG nor the Order provides a definition or an interpretation of 'to the extent reasonably necessary to carry out building operations.' As such, this is a matter of planning judgement based on matters of fact and degree associated with each application's individual set of circumstances.
9. Neither the structural report nor the schedule of works is a necessary requirement for the submission and validation of a prior approval application, and these were not requested on the previous proposal. Nonetheless, the Council advised that the application would be refused unless the documents were submitted, as it had insufficient information to make a positive recommendation.
10. The Council was entitled to apply its own judgement to the proposed development and form a different conclusion to that it previously made. However, the circumstances relating to the application would need to be materially different to do so. The structural report and detailed description of the works provided more information. This supporting information indicated that the building remained structurally sound, in line with the previous decision. It also identified that the proposed works had not materially changed from those which were previously deemed acceptable.
11. The detailed description may have outlined works that the Council, in its previous decision, had not previously acknowledged were required but are a necessary part of the proposal. However, the proposed development's internal layout and external appearance were not materially different to the previous decision.
12. The Council has not prevented or delayed development which should clearly have been permitted as Class Q, and the associated case law, is a matter of judgement based on fact and degree. However, whilst the Council has adequately substantiated its reason for refusal, I find that it has acted unreasonably in failing to act in a consistent manner without a material change in circumstances within which to do so. Neither the structural report nor the detailed works presented evidence, when assessed against the previous consent, that supported a different outcome. In this regard, I find that the appeal could have been avoided.
13. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

14. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that South Oxfordshire District Council shall pay to Mr J Quesnel, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
15. The applicant is now invited to submit to South Oxfordshire District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

P Brennan

INSPECTOR