



Costs Decision

Site visit made on 4 November 2025

by **N Teasdale BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th November 2025

Costs application in relation to Appeal Ref: APP/K0940/W/25/3370332

Town End Farm, Little Strickland, Penrith CA10 3EG

- 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 Viscount Lowther Trust for a full award of costs against Westmorland and Furness Council.
 - The appeal was against the refusal of planning permission for change of use of an agricultural building to a dwellinghouse.
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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. PPG explains that unreasonable behaviour in the context of an application for an award of costs may be either:
 - procedural – relating to the process; or
 - substantive – relating to the issues arising from the merits of the appeal.
3. The Council's officer's report explains that the submitted Supporting Statement and Structural Survey are not considered sufficient or adequate to demonstrate that the building is capable of conversion, or that the development is a conversion, as is required by Q (b) in order for the intended work to be Permitted Development. It then sets out that due to this, there is no requirement for the LPA to further consider the remaining parts of Class Q.
4. The applicant raises concern that such an assessment has been reinstated at appeal stage working through the prior approval topic headings which are negative in parts. This is claimed to have added a layer of complexity onto the appeal process given that such issues were unknown to the applicant at the time of the appeal. The applicant claims that had they known about the other concerns then they would have chosen to progress the appeal in another way or not even at all. The applicant explains that some of the issues could have been resolved at notification stage but claims that they were not given the opportunity.
5. The Council has provided a number of the consultation responses received to the notification including those responses from Environmental Protection and Local

- Highways Authority. Such responses raise concern regarding the potential statutory nuisances/undesirable location as well as and access, visibility and splays. The responses were dated prior to the decision being issued and I have no compelling reason to conclude that the applicant was not aware of such matters prior to this appeal. Further information was also provided to satisfy some of the issues ie those from Environmental Protection.
6. The Officer's report sets out clearly the consultation responses where the Local Highways concerns were provided, and it was explained that Environmental Protection raised no objection which is understood to have been upon receiving further clarification in respect of the land/buildings in the immediate vicinity.
 7. For a Class Q application, the onus is on the applicant to provide all the necessary information to prove that the proposed development meets the criteria for prior approval. The applicant covers the matters under Q.2 (1) within their Supporting Statement for the notification for prior approval but because the Council considered that insufficient information had been submitted to demonstrate that the building is capable of conversion then there was no requirement for the Council to further consider the remaining parts of Class Q. I do not find this approach unreasonable, and it cannot be assumed that the other matters were satisfied particularly in light of the consultee responses which raised concern.
 8. If I had found that the building operations were reasonably necessary to convert the building to a dwelling house, I would then have needed to assess those other matters set out at Q.2 (1) in order to be satisfied that the development is permitted development. The Council did not need to do this at notification stage as the notification already failed but as part of the appeal it would seem reasonable for the Council to set out their full position particularly as I could indeed come to a different view and therefore need to assess such matters. In addressing such matters, it does not change the Council's fundamental view on why the notification was refused which is indeed the main issue.
 9. While I appreciate that some of the comments made may have come as a surprise to the applicant, the substantive issues were all previously raised by consultees and thus the applicant would have needed to address these. It is not unreasonable for the Council to expand/provide clarity on such concerns as well as come to a different view from statutory consultees such as those of Environmental Protection.
 10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Teasdale

INSPECTOR