



Costs Decision

Site visit made on 2 December 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2025

Costs application in relation to Appeal Ref: APP/H4505/W/25/3373808

Agricultural Building North West of Pockerley Riding School, Birtley, Gateshead

Grid Ref Easting: 422949 Grid Ref Northing: 554797

- 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 Mrs Tracey O'Donnell for a full award of costs against Gateshead Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for change of use and conversion of existing agricultural/stables building to a single dwellinghouse (Use Class C3).
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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 applicant claims that they have clearly demonstrated that a national and local planning policy compliant scheme would be achieved in this case whilst explaining that there are also significant material considerations weighing heavily in favour of permission being granted. This includes the Council's lack of a five-year housing land supply and thus it is claimed that the tilted balance and presumption in favour of sustainable development prevails. The PPG advises behaviour that may give rise to a substantive award of costs including, amongst other things, 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.
4. The appeal site sits within land designated as Green Belt and thus would need to comply with Green Belt Policy. As will be seen from my decision on the main appeal, the scheme fails in this respect by not demonstrating that it meets the exception test as set out at paragraph 154 h) iv. of the National Planning Policy Framework (the Framework). Additionally, I have found that the site location would

- not be suitable for the proposed development having regard to sustainability/accessibility.
5. Overall, the proposed development would conflict with local and national planning policy and thus I cannot agree that the development should clearly be permitted. The Council has not acted unreasonable in coming to such findings. I note the lack of a five-year housing land supply but in applying the relevant test set out at paragraph 11 d) of the Framework, I find that the application of policies in the Framework that protect areas or assets of particular importance which includes land designated as Green Belt provides a strong reason for refusing the development proposed. As a result, the presumption in favour of sustainable development does not apply.
 6. Paragraph 154 h) iv. of the Framework relates to the re-use of buildings provided that the buildings are of permanent and substantial construction. Whilst a structural condition report has been carried out by a well renowned and qualified company, I still have concerns regarding the structural soundness of the building and its ability to be converted to a dwelling without requiring significant rebuilding/restructuring work. To this end, the structural report does not provide sufficient evidence to demonstrate that the building is of permanent and substantial construction. The report concludes that the building is in reasonable condition, but this does not mean that it is of permanent and substantial construction as required by the Framework. The structural report concludes that it is suitable for its proposed change of use and conversion to a dwelling without the need for rebuilding. However, I am not sufficiently persuaded that this is the case for the reasons set out in my decision on the main appeal.
 7. The Council may not have had the structural report reviewed or analysed by an engineering specialist, but this would not be unreasonable as the onus is on the applicant to demonstrate that the building is of permanent and substantial construction, and a level of planning judgement is required in this regard. Such a judgement is taken based on the evidence provided and observations onsite.
 8. Paragraph 84 of the Framework explains that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply. This includes c) the development would re-use redundant or disused buildings and enhance its immediate setting. Whilst paragraph 84 does not provide clarification as to whether the re-use of the building can include significant reconstruction, the Green Belt policy that is applicable requires the building to be of permanent and substantial construction which this appeal fails to demonstrate. It also requires the development to enhance its immediate setting which I do not consider this appeal to do for the reasons explained in the main decision. Consequently, the exception listed under paragraph 84 c) of the Framework cannot be applied and thus the development would still result in an isolated home in the countryside without meeting any of the circumstances and should therefore be avoided.
 9. The applicant claims that there is an inherent acceptance in national policy through paragraph 84 c) of the Framework that such forms of development will inevitably result in isolated and unsustainable forms of development in rural locations. The applicant goes on to claim that the appeal site being distant from nearby settlements and the services/facilities that they contain is irrelevant in the context of the exception provided at criterion c).

10. Whilst there may be some recognition that buildings will not be in village settlements, a full assessment would still be needed regarding its sustainability/accessibility based on the site-specific circumstances of the scheme and relevant policies. To this end, the management of new development to more rather than less sustainable locations is an important development plan purpose which is reflected in both local and national planning policy. Paragraph 115 of the Framework explains that in assessing specific applications for development, it should be ensured that: a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location; b) safe and suitable access to the site can be achieved for all users. Policy CS13 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010 – 2030, 2015 and Policy MSGP15 of the Making Spaces for Growing Places, 2021 also promotes sustainable travel choices and secures safe access to the site for all people.
11. The location of the development is unsustainable in terms of offering genuine transport links other than the use of the private car and cannot therefore be described as being sustainable. The Council has not acted unreasonable in applying the relevant policies in relation to this appeal.
12. The applicant claims that the Council has attempted to introduce a new issue to their defence of their second reason for refusal by referring to safety of the site access and visibility.
13. The PPG advises behaviour that may give rise to a procedural award of costs including, amongst other things, introducing fresh and substantial evidence at a late stage necessitating an adjournment, or extra expense for preparatory work that would not otherwise have arisen. It also covers prolonging the proceedings by introducing a new reason for refusal.
14. The decision notice references issues relating to sustainability/accessibility. Matters relating to safety of the site access and visibility supports the existing reason for refusal in respect of the overall safety of entering and exiting as a pedestrian or vehicle user. Such concerns are clearly set out within the officer's report and the consultee response from transport officer's and thus the applicant would have been aware of such concerns prior to the appeal and thus would have needed to address such issues. Additionally, the local and national policies cited within the reason for refusal specifically relate to safe and suitable access which needs to be suitably considered. In addressing such matters, the Council has not introduced fresh and substantive evidence at a late stage which has resulted in extra expenses for preparatory work that would not otherwise have arisen. It has also not introduced a new reason for refusal, and it does not change the Council's fundamental view on why the scheme was refused.
15. The Council explain that had the applicant heeded the original refusal reasons, particularly regarding insufficient information around the capability of the building to be converted, or sought prior clarification/advice before resubmitting a third scheme, officers consider a planning refusal may not have resulted and there would have been no need to appeal i.e. the applicant may have decided not to pursue a further application. This does not mean that the scheme would have been approved or that the second reason for refusal would have fallen away. It simply means that the applicant may have decided not to pursue a further application should clarification/advice have been sought beforehand.

16. Bringing everything together, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Teasdale

INSPECTOR