



Costs Decision

Site visit made on 4 January 2022

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th January 2022

Costs application in relation to Appeal Ref: APP/T2350/W/21/3277893 Alston Old Hall Farm, Alston Lane, Longridge PR3 3BN

- 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 Mary Patricia Hewitt for a full award of costs against Ribbles Valley Borough Council.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of an agricultural building to 5 dwellings under class Q (a) and (b).
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Decision

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

Reasons

2. The *Planning Practice Guide* (PPG) advises that parties will normally be expected to meet their own costs in relation to appeals, and that costs may only be awarded against a party who has acted unreasonably, and thereby caused the party applying for costs to incur unnecessary, or wasted, expense in the appeal process.
3. The application for an award of costs is made on substantive grounds. It is argued that the Council have delayed development which should clearly be permitted having regard to the development plan, national policy and any other material considerations. The applicant also considers that the Council have acted against well established case law. The PPG indicates that, in such circumstances, costs may be awarded against an authority.
4. The application had 2 reasons for refusal. The first of these relates to whether the proposal would be permitted development taking into account the extent of the building works and the second relates to the effect of the proposal on the design and external appearance of the building.
5. The award for costs focuses on the first reason for refusal and it is suggested by the applicant that the Council has misunderstood the proposal and misinterpreted the provisions of Schedule 2, Part 3, Class Q of the *Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)* (GPDO).
6. In responding to the appeal the Council has relied largely on the assessment set out in their delegated report produced when determining the application. This sets out their reasoning for why they consider the proposed works to the

building would go beyond what is reasonably necessary for conversion. This includes the fact that the Structural Survey indicates that it would be necessary to investigate whether new foundations would be necessary, the fact that a new roof is proposed, and that a new floor and wall cladding would be necessary. As such, they consider the proposal would go beyond operations allowed by the GPDO.

7. In my decision, unlike the Council, I have found that the works proposed would accord with paragraph Q.1(i) of the GPDO. I do not consider the Council's suggestion that the proposal would require new wall cladding and a new floor is supported by the evidence in the Structural Condition Survey. Nonetheless, my conclusion regarding the extent of the building works and their conformity with the GPDO, relies partly on the evidence before me that indicates that any strengthening needed for the internal structure would be incorporated into the insulated floor slab rather than requiring new foundations.
8. This evidence was not available to the Council at the time they made their decision on the application. The Structural Condition Survey indicates that further investigations would be necessary to establish if new foundations would be necessary. The installation of new foundations is not included in the list of permitted operations set out in paragraph Q.1(i). Given the lack of clarity regarding whether new foundations would be required or not, I consider that it was not unreasonable for the Council to conclude that the proposal did not meet the requirements of the GPDO.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated, and thus an award of costs is not justified.

Alison Partington

INSPECTOR