
Costs Decision

Site visit made on 8 July 2015

by **Andrew Dawe BSc(Hons) MSc MPhil MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 July 2015

Costs application in relation to Appeal Ref: APP/R3325/W/15/3005005 Agricultural Building, Land West of Furpits Lane, Picts Hill, Langport, Somerset TA10 9HJ

- 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 D Mitchell for a full award of costs against South Somerset District Council.
 - The appeal was against the refusal to grant approval required under a development order for change of use of an agricultural building to a dwelling.
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Decision

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

Procedural matters

2. I have taken into account the Government's Planning Practice Guidance (PPG), issued on 6 March 2014, in reaching my decision.
3. The Council, in claiming that the end character of the converted building has to be considered with regard to certain external domestic features, refers to another appeal decision¹ where the Inspector found that various external domestic features would be visually intrusive. Whilst I have had regard to that decision, I do not have the full details of the case to enable its full and proper consideration and have determined this application for costs on its merits.

Reasons

4. The PPG advises that, irrespective of the outcome of the appeal, costs may only 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.
5. The appellant claims that the Council has behaved unreasonably by means of: misapplying or misunderstanding the terms of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO 2015) insofar as Q.2 does not require applicants to provide information about servicing, amenity space, landscaping, hard surfacing or demarcation of the curtilage and that the absence of such information does not make it impractical or undesirable to change the use of the building to residential use. It is also claimed that such matters as the hard surfacing of the access, demarcation of

¹ Ref: APP/M0933/A/14/2221968

the curtilage, fencing and other paraphernalia, none of which are proposed, could, if desired to be created or installed in the future, be legitimately controlled by appropriate planning conditions.

6. I am satisfied that the Council did not refuse the application on the grounds that the information referred to above was not provided, rather it was considered that the nature of the proposal is such that it would be likely to result in the need for those features. I consider that it was reasonable for the Council to consider the implications of a residential use in terms of likely associated features even if they were not set out in the proposals.
7. Whilst control of such features could be controlled through conditions where appropriate, the Council was entitled to take the view that those features would be unacceptable in principle such that conditions would not overcome its concerns.
8. In conclusion I find that the Council did not behave unreasonably in determining the planning application and that, therefore, the applicant's costs in pursuing the appeal were not unnecessarily incurred or wasted. For this reason, and having regard to all other matters raised, neither a full or partial award of costs is justified.

Andrew Dawe

INSPECTOR