
Costs Decision

Site visit made on 26 April 2016

by Helen Heward BSc (Hons) MRTPI

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

Decision date: 24 May 2016

Costs application in relation to Appeal Ref: APP/H0738/W/15/3140603 Land at Woodside Farm, Wynyard Road, Thorpe Thewles, Stockton on Tees

- 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 and Mrs Phil and Pauline Wood for a full award of costs against Stockton-on-Tees Borough Council.
 - The appeal was against the refusal of the Council to grant approval under a development order for a change of use of an existing agricultural building to a dwelling house (Use Class C3) with external alterations (fenestrations). No change to siting or location of the building.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that 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. The application for an award of costs and the response by the Council has been made in writing and will not be repeated here in detail.
3. The appellant considers that the Council behaved unreasonably by failing to have regard to a previous appeal decision on this site and to others cases that have been allowed elsewhere.
4. In the previous appeal¹ concerning this barn, the Inspector found that it had not been demonstrated that the existing building would be structurally strong enough to take the loading of the works, and therefore did not benefit from the permitted development rights. On this basis the Inspector concluded that the proposal would not accord with all of the relevant provisos contained in paragraph MB.1 of Part 3 of the 1995 GPDO. However, the Inspector did not expressly conclude, one way or the other, if the proposal otherwise satisfied all of the requirements of the provisions of Class MB.1 of the 1995 GPDO. Therefore I find nothing in the previous Inspector's decision to conclude that the only issue the Council should have addressed was structural loading, or that it was unreasonable for the Council to address the proviso's of Class Q.1. of the 2016 GPDO (formerly MB.1).

¹ APP/H0738/A/14/2227055

5. The Planning Officer's report set out some detail about cases elsewhere that had been dismissed. A statement that other cases had been allowed provided a clear and succinct counterbalance even though the detailed circumstances of allowed cases were not set out.
6. It was the merits of the evidence regarding the proposal that were the determinative factor and these other cases were only informative and contextual. In this regard I found that the Planning Officer's report gave appropriate consideration to the findings of the Inspector in the previous appeal decision on this site, and also gave due consideration and weight to the evidence in the Structural Inspection Report by Billingham George & Partners Structural Engineers and Building Surveyors about the appeal proposal.
7. I conclude that the evidence does not demonstrate that the Council failed to have appropriate regard to the conclusions in the previous Inspector's decision, nor that they failed to give sufficient evidence about other cases. It has not therefore been demonstrated that the behaviour of the Council was unreasonable or that it caused the appellant to incur an unnecessary appeal or wasted expense at the appeal. Accordingly the application for costs is refused.

Helen Heward

PLANNING INSPECTOR