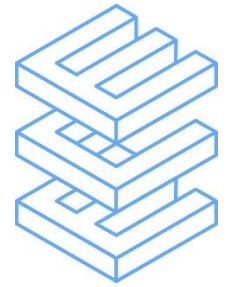


Client	The Wiston Estate		
Project	P2330i Hole Street Barn Class Q Appeal		
Document	Costs Response to LPA	Revision	A
Date	05 October 2026		
Author	M Smith	Checked	H James



Introduction

The Appellant has considered the Council's response opposing the application for an award of costs.

The costs application is not based simply on the Council reaching a different planning judgment. It is based on the Council's failure to engage properly with the submitted structural evidence and its unreasonable treatment of repair and maintenance works undertaken to keep the agricultural building in use.

The Council's response continues to rely on the condition of the building before those works were undertaken and seeks to treat lawful agricultural maintenance as evidence that the building had effectively been rebuilt. This went beyond a proper assessment of whether the existing building was capable of conversion under Class Q.

Failure to engage with the structural evidence

The Appellant submitted a structural inspection report prepared by a qualified structural surveyor. The report concluded that the barn was structurally sound and capable of conversion.

Although the Council referred to the report, it did not adequately explain why its conclusions were rejected or given limited weight. Nor did it provide any contrary structural or technical evidence demonstrating that the surveyor's conclusions were incorrect.

Instead, the Council relied principally on photographs taken on 29 October 2024, before the relevant repair and maintenance works had been completed, together with its visual observations during the later site visit on 8 July 2026

The Council was entitled to reach its own planning judgment, but it was not entitled to disregard the professional structural evidence without properly addressing its conclusions. The issue was a material consideration in determining whether the building was capable of conversion.

Unreasonable assessment of repair and maintenance works

Between the initial photographs and the later inspection, normal repair and maintenance works were undertaken to the agricultural building. A landowner is entitled to carry out necessary repairs to an agricultural building for that purpose.

The Council has treated the replacement and support of deteriorated timber uprights as evidence of substantial structural replacement or rebuilding. However, the works were undertaken as agricultural maintenance and were not carried out to create a new building or facilitate the proposed residential use.

The Council's approach is particularly problematic because it relies on the pre-repair condition of the building while giving insufficient weight to the condition shown in the submitted structural report and the evidence available at the time of the application.

The Council's suggestion that the building may have been 'new build' or substantially rebuilt is also speculative and unsubstantiated. The Council has not identified any independent technical evidence establishing that the works amounted to a rebuild rather than necessary repair and maintenance. The question should have been assessed on the basis of the building and the evidence submitted with the application, rather than assumptions arising from photographs taken before the repair works.

The fact that the Council saw the building before the repair and maintenance works does not, in itself, justify treating those works as evidence that the building was incapable of conversion. If the Council had not seen the barn before the maintenance works, it would have had to assess the application on the basis of the building's condition at the relevant time, the structural report and the other submitted evidence.

Omitted Correspondence in LPA Appeal Documents

The Council's appeal documents do not include material correspondence exchanged with the Appellant's agent on 7 and 8 July 2026. The Appellant has now provided that correspondence to the Inspector.

In the email of 7 July, the Council's officer asked whether the structural surveyor had visited the site. The Appellant's agent confirmed that the surveyor had done so and explained that the works observed by the Council were repair and maintenance works to the agricultural building.

The email of 8 July responded to consultee comments and provided the decision in the adjoining appeal, reference APP/Z3825/W/25/3364293. That decision was directly relevant to the Class Q issues raised by the Council.

This correspondence was material because it addressed both the nature of the works and the relevance of the adjoining appeal. The Council's failure to include or properly address it further demonstrates that the available evidence was not fully engaged with before the decision was made.

Conclusion

For the reasons set out above, the Appellant maintains that the Council's conduct goes beyond a difference of planning judgment.

The Council failed to give adequate weight to the submitted structural evidence, treated agricultural repair and maintenance as a substantial rebuild without sufficient justification, and did not properly engage with the correspondence explaining those works.

That conduct caused the Appellant to incur unnecessary professional expense and devote significant time to pursuing the appeal.

The Appellant therefore respectfully requests an award of costs in respect of the professional fees incurred in preparing, submitting and managing the appeal.