

Statement of the Local Planning Authority

PLANNING INSPECTORATE REFERENCE 6016411
LOCAL PLANNING AUTHORITY REFERENCE DC/26/0796

Town and Country Planning Act 1990

Planning appeal by **The Wiston Estate**

Appeal to be determined by an Inspector appointed by the Secretary of State by way of **Written Representations**

September 2026

1. Introduction and Appeal Procedure

Case of the Appellant

The Appellant outlines that the LPA have acted unreasonably in several ways, including:

1. Refusing the application when a Prior notification on a different barn was allowed
2. Refusing the application when there is evidence that the building can be converted

The Council respectfully submits that an award of costs is not justified in this case. The Appellant has not demonstrated that the Local Planning Authority behaved unreasonably, as required by the Planning Practice Guidance on costs. The appellant has outlined that they believe the council have acted unreasonably by refusing the application when the Appellant's consultant advised that the building subject to this appeal is 'sound and capable of conversion and that the decision to refuse the application contradicted the Council's handling of a neighbouring Prior Notification application.

The decision was not unsubstantiated, it was based upon a site inspection, photographic evidence of the condition of the building, the submitted plans and supporting documentation, the planning history of the site, correspondence from the applicant regarding recent repair works, and consideration of the submitted structural inspection report. The refusal was therefore supported by clear evidence and a reasoned planning assessment.

Whilst it is appreciated that the Appellant considers that the building is capable of conversion and structurally sound, the Castle Consulting survey report noted the building was only 'relatively sound'. This does not amount to stating that the barn can be developed without amounting to a new build. The report was considered as part of the assessment, however Planning Officers undertake their own site assessment and in this instance, even in the absence of professional structural accreditation it was evident that significant structural works had been undertaken in recent months that were required for the building to be sufficiently repaired to be in its current agricultural use. Appendix A shows the condition of the building prior to significant structural improvement that was undertaken in months prior to submitting the application. The initial site visit was undertaken on 29.10.2024 prior to the application, where the Planning Officer had taken photographs of both barns in the immediate vicinity, which includes the barn subject to this appeal. The site photographs are shown in Appendix A. The least structurally sound elements of the building included a large number of the poles which acted as structural supports for the roof. The timber base of many of these poles had been entirely rotted through at the base such that they were hanging from the roof structure whilst others were significantly rotted through at the time of the Planning Officers initial visit.

The appellant's Costs statement goes on to outline that: "The Council incorrectly conflated essential agricultural maintenance (undertaken to prevent weather damage prior to application) with a "rebuild." The Planning officer undertook a second site visit to see if site circumstances had changed since the initial visit once the application had come in. The site visit photographs are shown in Appendix B. It was evident during the second site visit that many of the most dilapidated or rotten bases had been replaced. As outlined in the Officer's delegated report: "An extensive number of the principal, intermediate and interior posts were in fact hanging from the rafters of the barn, having entirely rotted through at the base. Steels had been attached to hold these up in some places but were absent in others."

The extent of the works already required to keep the building in an acceptable agricultural use would not be considered 'upkeep' as described by the Appellant in their Costs application but instead significant structural replacement of roof supporting poles, without which it is understood more of the structure would have potentially failed. Furthermore, whilst the Structural consultant report was considered in the assessment, it was dated after the initial site visit had taken place, and likely once significant structural improvement had already been made and the condition of the barn reflected within the report was therefore significantly better than it had been on 29.10.2024 when the Planning Officer initially saw its condition.

Even so, the Structural consultant still stated that the building would require “substantial refurbishment” and given that a large section of the barn was collapsed even at the time of the second visit it is considered that this would go beyond the remit of what can fall under Class Q. Indeed, whilst the Appellant regards that the LPA have made an unreasonable judgement in this regard, the LPA had sound reason to consider that given the barn required significant structural works to support the existing agricultural roof and was still in a state of dilapidation at the time of the second site visit, it would be reasonable to assess that it would not be capable of conversion without amounting to being a new build. Arguably, a new build had essentially taken place in recent months to the application being submitted. Furthermore, whilst the Castle Consulting Report stated that a conversion would be ‘practical’ and ‘feasible’ this does not mean that it is capable of conversion under the remit of a Class Q application. The structural report was expressly considered during the assessment of the application and is referred to within the officer report. The Council was not, however, obliged to adopt the conclusions of the consultant where other evidence available to the authority gave rise to concerns regarding the condition of the building and the extent of works required to facilitate the proposed development which is not to say that the council’s assessment was based upon speculation. The officer’s assessment was based upon direct observations made during site visits, photographic evidence, submitted plans, supporting documentation and a review of the extent of works that had already been required to maintain the structure.

The report has regard to (g) “development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit during the period which is 10 years before the date development under Class Q begins”. The appellant has in the costs statement noted their upkeeping of rotting posts and have regarded this as essential agricultural maintenance. However, it is the LPA’s view that the replacement of much of the supporting timbers to provide structural support for the agricultural structure would be alterations to the building undertaken as part of Part 6 and would represent more than agricultural upkeep but represented significant structural replacement. Whether the Inspector ultimately agrees with that planning judgement is a matter for the appeal. However, the existence of a differing planning judgement does not amount to unreasonable behaviour on the part of the Local Planning Authority.

The appellant has included a paragraph within their Costs statement titled “direct site precedent” which outlines that allowing the adjacent barn has formed direct precedent for the barn under current appeal to be approved such that it would have been unreasonable for the council to have refused it. In reaching its decision, the Council considered the current barn, the extent of the structural alterations already undertaken, the amount of replacement fabric required, the apparent need for substantial structural intervention to facilitate firstly agricultural and then residential use, and the proposed insertion of significant new structural elements. The previous application related to a different agricultural building with a different structural condition, form and degree of retained fabric. Class Q assessments are inherently site-specific and building-specific exercises.

The Council considers all applications in a professional and impartial manner, and while not all will agree with the decision, it does not follow that as an application has been refused that the supporting information, planning history, and consultations were not reviewed or understood. This would not represent unreasonable behaviour or put the Appellant to wasted expense. It is understood that even in the case of neither party submitting a Costs Application, an Inspector is able to question if either party has been unreasonable or put the other to wasted expense.

The Council is firmly of the view that it has not behaved unreasonably nor put the Appellant to additional or wasted expense in the appeal process. Furthermore, the Council considers it to have been correct in refusing planning permission for the proposed development.

Appendix A – Photos of the barn subject to the appeal prior to alteration.



Missing roof section.

Structural upright bases affected by rot damage, to an extent where some bases are missing and the posts are hanging from the rafters.







Evidence of several of the structural uprights dangling from the rafters.





Appendix B – Photos of the barn once structurally Improved.



All of the broken timber uprights seen in Appendix A removed. Indication of replacement telegraph poles in blue spray paint







Additional/ new 'sister' support for some timber uprights



Appears to be the pile of old failed uprights in the bottom right of the photo

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