Demolition of existing agricultural barn and erection of dwelling at Broadgate, Weston Hills

Award of Costs Application Against the Local Planning Authority

Studio 11 Architecture
Office 12 Priory Road Business Hub
Priory Road
Spalding
Lincolnshire
PE11 2XE

01553 970033
design@studio11architecture.co.uk

Key Information

Local Planning Authority:	South Holland District Council
Local Planning Authority Reference:	H22-0218-26
Date of Application:	5th March 2026
Date of Decision:	30th April 2026
Applicant:	Mr H, W, M & B Halgarth
Description:	Demolition of existing agricultural barn and erection of residential dwelling
Site Address:	Agricultural barn off Broadgate, Weston Hills

Disclaimer and Copyright
This Appeal Statement has been prepared by Studio 11 Architecture on behalf of the Appellant for the sole purpose of supporting an appeal submitted under Section 78 of the Town and Country Planning Act 1990. The document has been prepared to assist the Planning Inspectorate in its consideration of the appeal and should be read as a whole alongside the submitted drawings, technical evidence, and supporting documentation.

The contents of this Appeal Statement are based on information available at the time of preparation and on professional planning and design judgement exercised in good faith. While every reasonable effort has been made to ensure accuracy and completeness, Studio 11 Architecture cannot accept responsibility for errors, omissions, or matters arising from changes in circumstances, planning policy, or factual information occurring after the date of submission.

AI Use Disclosure — Planning Inspectorate Guidance Compliance
In preparing this Appeal Statement, Studio 11 Architecture has utilised Claude, an AI assistant developed by Anthropic, to support research, structuring, drafting and quality assurance processes. The AI was used during the period July to September 2026 in the preparation of this document.

The AI was used to assist with the following aspects of this Appeal Statement: research into relevant planning policy and appeal decisions; structuring and drafting narrative sections across all main issues; drafting of the fallback position assessment, costs application; and quality assurance review of content for consistency with planning policy and professional standards.

The information on which the AI based its content comprised: the Officer's Report and Decision Notice for application H22-0218-26; the South East Lincolnshire Local Plan 2011 – 2036 the National Planning Policy Framework (August 2026); the appeal decisions cited in this Statement; and the instructions, professional analysis and judgement provided by Studio 11 Architecture throughout the drafting process.

All content generated through AI assistance has been reviewed, edited and validated by a suitably qualified planning professional at Studio 11 Architecture to ensure factual accuracy, consistency with relevant planning policy and guidance, and compliance with appropriate professional standards. The planning analysis, professional judgement and conclusions contained within this Appeal Statement are those of Studio 11 Architecture, who retain full responsibility for the factual accuracy of this document.

This Appeal Statement is accompanied by an architectural visualisation of the appeal proposal. The underlying design, layout, massing and materials shown in this visualisation are based entirely on drawings prepared manually by Studio 11 Architecture. An AI tool (Gendo AI) was used solely to render these manually-prepared drawings into a photorealistic image. No elements of the design have been added, altered, or removed by the AI tool in this process; the AI's function was limited to rendering the design as drawn. Studio 11 Architecture has checked the rendered visualisation against the underlying drawings and confirms its accuracy. Studio 11 Architecture declares that its use of AI in preparing this document has been responsible and lawful, that no sensitive or personal information has been entered into AI tools, and that the preparation of this document complies with data protection and copyright legislation.

© Studio 11 Architecture 2026. All rights reserved. This document is protected by copyright. No part of this Appeal Statement may be reproduced, stored, or transmitted in any form or by any means without the prior written consent of Studio 11 Architecture, except for the purposes of determining the associated appeal by the Planning Inspectorate, the Local Planning Authority, or other statutory consultees.

1 Legislative and Policy Basis for this Application

1.1 This application is made pursuant to Section 250(5) of the Local Government Act 1972, as extended to appeals determined by written representations by Section 322 of the Town and Country Planning Act 1990, which empower the Secretary of State and Inspectors acting on their behalf to make orders as to the costs of parties to an appeal.

1.2 The Planning Practice Guidance on Appeals Costs provides the relevant framework. Paragraph 030, Reference ID: 16-030-20140306, states that costs may be awarded in appeal proceedings where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.

1.3 Paragraph 031 Reference ID: 16-031-20140306 further confirms that unreasonable behaviour may be either procedural or substantive.

1.4 Paragraph 032, Reference ID: 16-032-20140306, provides examples of substantive unreasonable behaviour, including refusing planning permission on a ground capable of being dealt with by conditions; failing to produce evidence to substantiate each reason for refusal; and making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.

1.5 The test therefore has two limbs. First, has there been unreasonable behaviour? Second, has that behaviour caused unnecessary or wasted expense? The Appellants submit that both limbs are satisfied in respect of each of the five grounds set out below.

1.6 A partial award of costs is sought in the first instance, with a full award sought in the alternative having regard to the cumulative effect of the Council's conduct and its failure to engage proactively with the Appellants during the determination of the application.

1.7 Policy DM3(1)(a) of the current National Planning Policy Framework requires local planning authorities to work with an applicant "in a positive and proactive manner, where necessary seeking solutions to problems arising from initial proposals, to enable a timely decision." At the time of the Council's decision, the equivalent obligation was set out in the National Planning Policy Framework (December 2024) then in force. At no point during the determination of this application, once its concerns had been raised, did the Local Planning Authority engage meaningfully with the clarifying information the Appellants sought the opportunity to provide. This procedural failing runs through all grounds and reinforces the case for an award of costs.

2 Ground 1 – Refusal to Engage with or Review Amendments Offered During Determination

Unreasonable Behaviour

2.1 The full correspondence between the Appellants' agent and the case officer is appended to the Appeal Statement at Appendix A, and the chronology is set out in full in Chapter 6 of that statement. In summary: the case officer raised her principal concerns by email on 14th April 2026. The Appellants' agent responded the following day requesting specific particulars of each concern, so that appropriate amendments could be considered. In the same exchange, the case officer herself identified that "a taller boundary treatment or some planting could assist with the degree of overlooking," and the Appellants' agent confirmed that this would be addressed.

2.2 On 28th April 2026, the case officer advised the Appellants' agent that the application had been reviewed by her manager, who had agreed with the recommendation for refusal, and that the Council's position was not to accept amendments save in exceptional circumstances.

2.3 On 29th April 2026, notwithstanding this, the Appellants' agent formally requested the opportunity to submit revised drawings, referring to the duty on local planning authorities to work proactively with applicants to resolve issues during the determination of applications, and offering to submit the amendments that same day. The Council declined this request by email of the same date, citing the National Planning Practice Guidance to the effect that it is at the discretion of the local planning authority "whether to accept such changes, to determine if the changes need to be reconsulted upon, or if the proposed changes are so significant as to materially alter the proposal such that a new application should be submitted." The decision notice was issued the following day, 30th April 2026.

2.4 The discretion described in that guidance is expressly a discretion over "such changes," that is, the specific amendments proposed in a given case, and not a general discretion to decline to consider amendments as a category without having seen them. The Council was not in a position to exercise that discretion in respect of the amendments offered on 29th April 2026, because the request to submit them was declined outright and the amendments themselves were never provided or reviewed.

2.5 The sequencing of events is also material. The Council's manager had already agreed the recommendation for refusal on 28th April 2026, before the Appellants' formal request to submit amendments was even made on 29th April 2026. The refusal recommendation was accordingly settled before the Council had any opportunity to consider whether the amendments then offered addressed the concerns underpinning it.

2.6 This is a substantive failure by the Council to engage as required by the duty to work with an applicant in a positive and proactive manner, seeking solutions to problems arising from initial proposals, addressed at paragraph 1.7 above. It also amounts to a failure to properly consider information relevant to the determination of the application, in circumstances where the case officer's own correspondence had identified that at least one of the concerns underpinning the eventual refusal, residential amenity, was capable of resolution.

Causation

2.7 The supplementary structural assessment, the revised illustrative Class Q layout, the repositioned window and boundary treatment, the reduced main dwelling roof height, the revised garage roof design, and the accompanying visualisation had all already been prepared by the Appellants by 29th April 2026, which is why the Appellants' agent was in a position to offer to submit them to the Council that same day. This material was accordingly available to the Council before the application was determined. As a direct result of the Council's refusal to review it, that material could not perform its intended function of resolving the concerns underpinning the refusal at application stage, and the Appellants have instead been put to the cost of this appeal, in which the same material must now be presented and argued as formal appeal evidence rather than having been considered, at materially lower cost and with the prospect of avoiding an appeal altogether, during the determination of the application itself.

2.8 This appeal, or at minimum its scope and cost, would not have been necessary, or would have been necessary only to a materially lesser extent, had the Council reviewed and engaged with the amendments when they were offered and available, at a stage when the concerns identified as capable of resolution could properly have been addressed prior to determination.

3 Ground 2 – Applying a Structural Survey Qualification Requirement Not Found in the Councils Own Adopted Validation Requirements

Unreasonable Behaviour

3.1 The officer's report states that "a structural survey of the building has not been undertaken by a qualified professional" and, in the Planning Balance section, that the submitted survey is insufficient "having not been undertaken by a qualified structural engineer." This position was maintained throughout the determination of the application and repeated in the officer's correspondence of 15th April 2026, notwithstanding a direct request from the Appellants' agent, made the same day, to identify which aspects of the submitted survey were considered inadequate and what further information would be required.

3.2 No such requirement for a chartered structural engineer, or any qualification beyond that held by the author of the submitted survey, is found in South Holland District Council's own adopted Local List (2019), which requires only that a structural survey "should be compiled by a suitably qualified surveyor." The survey submitted with the application was prepared by Kristopher Baxter, MCIAT, C.Build E FCABE, a Chartered Architectural Technologist and Chartered Building Engineer, meeting the Council's own stated requirement.

3.3 The application was validated and proceeded to determination on this basis. The Council's own validation process, applying its own Local List, did not identify any deficiency in the surveyor's qualifications at that stage. The objection subsequently raised in the officer's report, and maintained in

correspondence when directly challenged, applies a standard the Council's own adopted policy does not require, and one the Council's own validation process had already implicitly accepted was met.

3.4 The PPG identifies as unreasonable behaviour failing to produce evidence to substantiate each reason for refusal. Notwithstanding a specific, direct request to identify the deficiency in the submitted survey, the Council's response of 15th April 2026 stated only that the officer was "not sure if this has been undertaken by a structural engineer/surveyor" and that "there is major cracking on one side of the building and other signs of damage," without identifying any further specific deficiency in the survey's methodology or findings, and without engaging with the fact that the survey's author meets the Council's own adopted qualification requirement.

Causation

3.5 The supplementary structural assessment, reviewed by a chartered structural engineer and addressing foundation adequacy, ground bearing capacity, and first floor load-bearing capacity, had already been prepared by the Appellants by 29th April 2026, as part of the material offered to the Council on that date and addressed in Ground 1 above. That the Council maintained its objection to the surveyor's qualifications without ever identifying it as inconsistent with its own adopted validation requirements, and declined to review the material available to resolve it, meant this work could not perform its intended function of resolving the concern prior to determination. As a direct result, the Appellants have been put to the unnecessary cost of presenting this material as formal appeal evidence, and of preparing detailed sections within the appeal statement addressing the Council's own validation requirements and the qualifications of the surveyor, in order to rebut an objection that a review of the Council's own published policy, or of the material the Appellants had already made available, would have resolved.

3.6 This appeal, or at minimum its scope and cost on this ground, would not have been necessary, or would have been necessary only to a materially lesser extent, had the Council applied its own adopted validation requirements correctly, identified any specific, evidenced deficiency in the submitted survey when directly asked to do so, or reviewed the supplementary material already available to it before determining the application.

4 Ground 3 – Failure to Identify the Occupancy Basis for the National Described Space Standard Comparison

Unreasonable Behaviour

4.1 The officer's report states that "the proposed internal floorspace of the barn conversion would be approximately 42sqm. The nationally described space standard sets out that the minimum internal floorspace for a 1-bedroom 2-storey, 2 person dwelling is 58sqm," and concludes on this basis that the illustrative Class Q conversion would not comply with the NDSS.

4.2 On 15th April 2026, the Appellants' agent responded directly to this concern, asking the officer to "confirm which elements you consider to be non-compliant" with the national space standard. The officer's response, sent the

same day, repeated the same comparison between the proposed 42sqm floorspace and the 58sqm figure, without identifying the occupancy basis on which that figure had been applied, and without addressing the agent's request in any further respect.

4.3 The 58sqm figure cited in the officer's report is not, in fact, the minimum floorspace for a one-bedroom, one-person dwelling of the kind illustrated. Table 1 of the National Described Space Standard sets the minimum for a one-bedroom, one-person dwelling at 39sqm at one storey, reducible to 37sqm where a shower room is provided in place of a bathroom. 58sqm is the minimum for a one-bedroom, two-person dwelling at two storeys, a different and larger form of accommodation from that illustrated.

4.4 This is not a matter of planning judgement upon which reasonable assessors might differ. The National Described Space Standard is a published national document with a single table of figures organised by number of bedrooms, number of occupants, and number of storeys. The officer's report applies a figure from that table corresponding to a different occupancy than the one proposed, and, notwithstanding a specific request to confirm the basis for that figure, the Council never corrected or clarified the position before relying on it as a reason for refusal.

4.5 The PPG identifies as unreasonable behaviour failing to produce evidence to substantiate each reason for refusal. A reason for refusal founded on a straightforward misapplication of a published national table, maintained without correction after being directly and specifically queried, falls squarely within this category.

Causation

4.6 As a direct result of the Council's failure to identify or correct the occupancy basis of the NDSS comparison, notwithstanding having been specifically asked to do so, the Appellants have been required to prepare a detailed rebuttal of the NDSS objection within the appeal statement, including a full analysis of Table 1 of the National Described Space Standard and its application to the illustrative Class Q layout; and to prepare a revised illustrative Class Q layout and supporting compliance table demonstrating, in the alternative, that the illustrative floorspace complies with the correct NDSS minimum in any event.

4.7 As with Grounds 1 and 2 above, this material had already been prepared by the Appellants by 29th April 2026 as part of the package offered to, and declined by, the Council prior to determination. Its intended function, to resolve the NDSS objection prior to determination, was frustrated by the Council's refusal to engage with it, requiring the Appellants to present it instead as formal appeal evidence.

4.8 This work would not have been necessary, or would have been necessary only to a materially lesser extent, had the Council correctly applied the National Described Space Standard, or had it responded to the Appellants' direct request of 15th April 2026 to confirm the basis for the figure relied upon.

4.9 This ground independently satisfies both limbs of the PPG costs test.

5 Ground 4 – Vague and Unsubstantiated Assertion of Overlooking Harm

5.1 Reason 3 for refusal concludes that the proposal "would result in an unacceptable degree of overlooking" with 409 Broadgate. The PPG identifies as unreasonable behaviour making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.

5.2 The officer's own correspondence of 15th April 2026 acknowledges that "we don't have specific requirements in terms of separation distances set out within the Local Plan." Notwithstanding this, the same correspondence asserts that "it is generally accepted that there should be around 21m between habitable rooms," a figure applied as the basis for concluding the proposal would result in unacceptable harm, without reference to any adopted standard, supplementary planning document, technical guidance, or other objective source from which that figure is said to derive.

5.3 No such standard is identified anywhere in the officer's report or the wider correspondence. The conclusion of unacceptable harm is accordingly founded on an unsourced generalisation, applied as though it carried the force of adopted policy, when the officer's own correspondence confirms that no such policy exists.

5.4 The officer's correspondence of the same date separately identifies that "a taller boundary treatment or some planting could assist with the degree of overlooking," to which the Appellants' agent responded confirming that this would be addressed. Notwithstanding the officer's own identification of a means of resolving the harm, and the Appellants' confirmation that it would be pursued, the officer's report proceeds to a firm conclusion of unacceptable harm without any further objective analysis of whether that harm, once mitigated, would remain unacceptable, and without explaining why a concern the officer herself had identified as capable of being assisted by mitigation was nonetheless treated as incapable of resolution.

Causation

5.5 As a direct result of the Council relying on an unsourced generalisation to support a reason for refusal, and failing to engage further with a concern it had itself identified as capable of mitigation, the Appellants have been required to prepare a detailed rebuttal of the overlooking objection within the appeal statement, and to present, as formal appeal evidence, mitigation measures, including a repositioned window and boundary treatment, which had already been prepared and offered to the Council prior to determination, as addressed in Ground 1 above.

5.6 This work would not have been necessary, or would have been necessary only to a materially lesser extent, had the Council's conclusion on overlooking been founded on an objective, sourced standard, or had the Council engaged with the mitigation it had itself identified before reaching a firm conclusion of unacceptable harm.

5.7 This ground independently satisfies both limbs of the PPG costs test.

6 Ground 5 – Vague and Unsubstantiated Assertion of Design and Character Harm

Unreasonable Behaviour

6.1 Reason 2 for refusal concludes that the proposal would result in "significant harm to the rural character and appearance of the site and the surrounding area" through "urbanisation." The PPG identifies as unreasonable behaviour making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis, and failing to produce evidence to substantiate each reason for refusal.

6.2 The officer's harm assessment is not grounded in any adopted design code, Supplementary Planning Document, or codified metric. It rests on the officer's own planning judgement that the development would "harmfully jar with the rural character of the site and its immediate environment," a conclusion expressed as a matter of subjective impression rather than by reference to any objective standard, comparative analysis, or assessment methodology.

6.3 The officer's report bases this conclusion principally on a volumetric comparison between the proposed dwelling and garage and the existing barn in its unconverted agricultural form. No comparison is made against the lawful fallback position which the officer's own report identifies and discusses, notwithstanding that this is the comparison the relevant legal test required to be undertaken, addressed in the Appeal Statement.

6.4 The officer's report also acknowledges, without further analysis, that "there are some taller dwellings further from the site," a finding inconsistent with the characterisation of the proposal as introducing a form of development wholly unprecedented in the context of the area, and one which the officer's report does not reconcile with its own conclusion of significant harm.

6.5 On 15th April 2026, the Appellants' agent set out in detail why the proposed dwelling, specifically designed to respond to the character and context of the site, was considered appropriate to its setting, and questioned whether the characterisation of the proposal as out of keeping with the area was fully justified. The officer's response of the same date did not engage with this point, repeating instead the assertion of harm without further reasoning or reference to any objective standard.

Causation

6.6 As a direct result of the Council relying on an unsubstantiated, subjective assertion of design and character harm, unsupported by any adopted metric or objective analysis, and maintained without further reasoning when directly challenged, the Appellants have been required to prepare a detailed rebuttal of the design and character objection within the appeal statement, including a systematic assessment of compliance with Policies 2 and 3 of the SELLP and Policy DP3 of the NPPF; and to present, as formal appeal evidence, design amendments, including a reduced main dwelling roof height and a

revised garage roof design, which had already been prepared and offered to the Council prior to determination, as addressed in Ground 1 above.

6.7 This work would not have been necessary, or would have been necessary only to a materially lesser extent, had the Council's conclusion on design and character been founded on an objective, adopted standard, or had the Council engaged with the points put to it on 15th April 2026 rather than repeating an unreasoned assertion of harm.

6.8 This ground independently satisfies both limbs of the PPG costs test.

7 Cumalative Ground – Failure to Engage Proactively and Disproportionate Escalation of Appeal Complexity

7.1 This application concerns a single dwelling on a modest rural site. Despite this, the appeal has required the preparation of an extensive body of technical and evidential work, including a full appeal statement addressing four reasons for refusal, a Services and Accessibility Report, a supplementary structural assessment reviewed by a chartered structural engineer, a revised illustrative Class Q layout and NDSS compliance analysis, and an architectural visualisation.

7.2 The scale and cost of this appeal is not merely the sum of five separate objections. It is the direct consequence of a single, more fundamental failure. By declining to review the material offered to it on 29th April 2026, the Council determined this application without the benefit of material considerations that were available to it, prepared, and specifically offered for its consideration. The Council's decision was accordingly made on an incomplete evidential and policy basis of its own making, considering the proposal against an assessment of structural viability that had already been addressed, an NDSS comparison that had already been corrected, and a residential amenity concern for which mitigation had already been prepared, without ever engaging with any of it.

7.3 Policy DM3(1)(a) of the current National Planning Policy Framework, and the equivalent obligation in force at the time of the Council's decision, required the Council to work with the Appellants in a positive and proactive manner, seeking solutions to problems arising from the application. The correspondence addressed throughout this application demonstrates the opposite, a case officer who identified concerns, received a considered and specific response addressing each of them, and in most instances either repeated the same unparticularised objection or failed to engage with the substance of the response at all, before a recommendation for refusal was agreed with her manager and, the following day, a formal request to submit the material already prepared to address that recommendation was declined without being reviewed.

7.4 The consequence is that this appeal has been required to reconstruct, as formal appeal evidence, an evidential and policy position that should properly have formed part of the Council's own decision-making at determination stage. The Appellants have been put to the cost not of persuading an Inspector where the Council reasonably disagreed, but of

presenting, for the first time to any decision-maker, material the Council itself caused to be excluded from its own consideration of the application. This is the central feature of the Council's conduct in this case, and it is this failure, rather than the accumulation of individually costly grounds, that most directly supports the case for a full award of costs in the alternative to the partial award primarily sought.

8 Partial Award and Full Award

8.1 The Appellants seek a partial award of costs in the first instance, limited to Ground 1 (refusal to engage with or review amendments offered during determination), Ground 2 (applying a structural survey qualification requirement not found in the Council's own adopted validation requirements), Ground 3 (failure to identify the occupancy basis for the NDSS comparison despite being specifically asked), Ground 4 (vague and unsubstantiated assertion of overlooking harm), and Ground 5 (vague and unsubstantiated assertion of design and character harm).

8.2 Each of these grounds independently satisfies the Planning Practice Guidance test of unreasonable behaviour resulting in unnecessary or wasted expense, and a partial award limited to these grounds is the primary relief sought.

8.3 In the alternative, if the Inspector considers that the cumulative effect of the Council's conduct, and in particular its failure to engage with material considerations already available to it prior to determination, as set out in Section 7 above, justifies a full award, the Appellants respectfully invite the Inspector to make a full award of costs.

9 Conclusion

9.1 The Planning Practice Guidance is clear that costs may be awarded where a party has behaved unreasonably and that behaviour has directly caused another party to incur unnecessary or wasted expense. The Appellants submit that this test is met in respect of each of the five grounds identified in this application.

9.2 In summary, the Council declined to review amendments offered to it before determination, at a stage when its manager had already agreed the recommendation for refusal; applied a structural survey qualification requirement not found in its own adopted validation requirements, and maintained that requirement without correction when directly challenged; failed to identify or correct the occupancy basis for a National Described Space Standard comparison, notwithstanding a specific request to do so; relied on an unsourced generalisation to conclude that the proposal would result in unacceptable overlooking, without engaging with mitigation it had itself identified; and relied on an unsubstantiated, subjective assertion of design and character harm, unsupported by any adopted metric, maintained without further reasoning when directly challenged.

9.3 The cumulative effect of this conduct is that the Council determined this application without the benefit of material considerations that were available to it, prepared, and specifically offered for its consideration, requiring the

Appellants to reconstruct, at the cost of a full planning appeal, an evidential and policy position that should properly have formed part of the Council's own decision-making.

9.4 The Appellants respectfully request that the Inspector makes a partial award of costs in respect of Grounds 1 to 5 as set out above, or in the alternative a full award of costs having regard to the cumulative effect of the Council's conduct.