
Costs Decision

Site visit made on 5 February 2016

by Elizabeth C Ord LLB(Hons) LLM MA DipTUS

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

Decision date: 23 February 2016

**Costs application in relation to Appeal Ref: APP/Q2371/W/15/3137918
Grange Hill Exploration Site, Off Grange Road, Singleton, Poulton Le Fylde,
Lancashire, FY6 8LP**

- 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 Cuadrilla Bowland Limited for a full award of costs against Lancashire County Council.
 - The appeal was against the refusal of planning permission for a three year period to retain the existing site compound and access track, install seismic and pressure monitors within the existing well; undertake seismic and pressure monitoring; plugging and abandonment of the existing exploratory well and restoration of the site.
-

Decision

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

Reasons

2. As stated in the Government's Planning Practice Guidance (PPG), an award of costs may be made 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. The Appellant suggests that the Council's behaviour falls into several categories of unreasonableness as set out in the PPG.
3. The Appellant claims that the Council prevented the development when it should have been permitted and that it produced no objective analysis in support. Whilst the Council's planning officer concluded that the development would not cause significant harm to the landscape and would conform to the development plan, there is an element of subjectivity in this judgement in terms of attributing weight.
4. The Development Control Committee was entitled to weigh matters differently and to conclude as it did, considering potential conflicts with the development plan. The extent of disagreement with the Appellant's landscape assessment was set out clearly in the Council's own evidence. The Committee's decision was not so unreasonable as to be "*Wednesbury*" unreasonable in that it was not so unreasonable that no reasonable authority would have come to this decision.
5. Whilst the Appellant indicates that conditions could have been imposed to avoid the harm objected to, the Council remained concerned that conditions would

- not satisfactorily address the landscape reasons for refusal. The weight given to the adequacy of mitigating landscape impacts can differ and the Council's approach was within the boundaries of reasonableness.
6. It is said that the Council's decision is inconsistent with other decided cases. However, those cases are distinguishable. I understand that the Beconsall site is well removed from the highway network and public vantage points and is not readily seen, whilst I am told the Preese Hall site was only granted further permission to plug and abandon the well. Therefore, the different decisions are justified.
 7. The Appellant submits that the Council should have granted a further permission as there has been no material change in circumstances since the 2010 permission. However, the 2010 consent was granted for a temporary period of 18 months and policy and understanding of the subject matter has changed significantly since then, thereby potentially altering the planning balance. Consequently, it was not unreasonable of the Council to proceed as they did.
 8. Whereas the Appellant indicates that three unnecessary conditions have been imposed, the Council amended two of them following the Appellant's request and, although I have not imposed the third, the Council gave an understandable explanation for wanting its imposition. The Council has not acted unreasonably in this regard.
 9. In conclusion I do not find that the Council has acted unreasonably and, therefore, the Appellant's application is refused.

Elizabeth C Ord

Inspector