
Costs Decision

Site visit made on 13 September 2016

by B.Hellier BA(Hons) MRTPI

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

Decision date: 21 September 2016

Costs application in relation to Appeal Ref: APP/E2340/W/16/3153148 Land to the south of Long Ing Lane, Barnoldswick, Lancashire, BB18 6BJ

- 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 Stirling Investment Properties LLP for a full award of costs against Pendle Borough Council.
 - The appeal was against the refusal of an application for approval of reserved matters.
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Decision

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

Reasons

2. National guidance on costs applications is set out in the web based Planning Practice Guidance published by the Department for Communities and Local Government. It advises that irrespective of the outcome of the appeal, 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.
3. Both the application and the response were in writing. The case for the appellant is that the design scheme was developed in consultation with Council officers and that the layout and the design of the three storey housing was appropriate having regard to the sloping nature of the site. Members went against the recommendation of their officers and should not seek to impose unsubstantiated requirements to conform to certain development forms or styles.
4. For its part the Council produced evidence that officers when consulted had raised concerns about the cluttered effect of the three storey dwellings and the frontage parking. Members were entitled to find that the scheme failed to promote or reinforce local distinctiveness.
5. I agree that Members do not need to follow an officer recommendation so long as it is on properly justified planning grounds. Assessing design matters involves a degree of judgement. In its evidence the Council reviews the scheme against the Building for Life standards and finds it lacking. It accepts that some of its concerns would not of themselves justify refusing the development but taking these together with its objection to the height of dwellings on plots 5-16 it concludes that it is a poor design that fails to respond

to the characteristics of the site and its surroundings and should be refused. It refers to recent appeals where such a stance is supported.

6. I have found that the layout and house design take satisfactory account of the nature of the site and the character of surrounding development. Nonetheless the Council has put forward an alternative view which has been properly argued and provides evidenced grounds for the decision that its Members have taken. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Planning Practice Guidance, has not been demonstrated and that an award of costs is not justified.

Bern Hellier

INSPECTOR