

Costs Decision

Site visit made on 5 September 2016

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

Decision date: 23 September 2016

**Costs application in relation to Appeal Ref: APP/R2330/C/16/3147431
130-132 Manor Street, Accrington, Lancashire BB5 6EA**

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Baron and Douglas Limited for a partial award of costs against Hyndburn Borough Council.
 - The appeal was against an enforcement notice alleging alterations to the front elevation of the buildings.
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Decision

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

Reasons

2. National Planning Practice Guidance 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. The Appellants maintain that the Council has acted unreasonably by making reference to their Shop Fronts and Signs Design Guide in their appeal statement, whereas this document was not referred to in the enforcement notice. The Council makes no claim that the Design Guide is part of the Development Plan and does not 'refer heavily' to it in their statement. Reference to it in their statement, in fact, does not introduce any considerations that do not flow from their reference to relevant Development Plan policies. In this context the Design Guide is not new evidence introduced late in the appeal process and the Council has not acted unreasonably. The application for an award of costs thus fails.

John Braithwaite

Inspector