
Costs Decision

Site visit made on 23 August 2016

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 7 October 2016

Costs application in relation to Appeal Ref: APP/B2355/W/16/3149522 Grane Road barn to the east of Ainslea, off Grane Road, Haslingden

- 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 Mr S Downham for a full award of costs against Rossendale Borough Council.
 - The appeal was against the refusal of planning permission for conversion of agricultural building to form 1 dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may 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 applicant submits that the Council has behaved unreasonably in basing their decision on an extension to the building, rather than the conversion of the whole building as was described on the planning application form.
 4. The Council's decision was based on their interpretation that a previously approved extension had not been completed. On the basis of the evidence presented to me, it would appear that the extension was not completed at the time of the decision on the planning application. I consider that the Council's decision was representative of the complicated planning history of the site, and was a reasonable interpretation of the status of the site at the time of their decision.
 5. Although the Council has been unable to substantiate that the extension I saw on my site visit is unauthorised, I consider that this is due to a material change in circumstances subsequent to their decision being made rather than unreasonable behaviour. I also noted at my site visit there remain some discrepancies between the approved plans and the extension as built e.g. the location and design of the door.
 6. Furthermore, the Council's reason for refusal states that the proposal would result in an unacceptable landscape visual impact on the wider rural setting. My decision makes it clear that I agree with the Council on this issue and I consider that the principle of the reason for refusal is reasonable.
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7. I therefore find that unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

David Cross

PLANNING INSPECTOR