
Costs Decisions

Site visit made on 24 October 2016

by Gareth W Thomas BSc(Hons), MSc(Dist), PgDip, MRTPI

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

Decision date: 07 November 2016

**Costs application in relation to Appeal Ref: APP/E2340/W/16/3155958
Part Field No.5647, Ben Lane, Barnoldswick, Lancashire BB18 6HR**

- 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 Pendle Borough Council for a full award of costs against Mr Liam Green.
 - The appeal was against the refusal of outline planning permission for the erection of 4 dwellings with garages (Access, Layout and Scale).
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Decision

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

Reasons

2. The application for costs is made with reference to the Planning Practice Guidance (PPG). The PPG advises that, irrespective of the outcome of the appeal, costs may only be awarded 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.
3. The applicant's case is procedural in nature. It believes that the appellant at appeal produced late evidence that had to be further considered by the Council, including traffic flow information.
4. However, I find this trail of thought difficult to understand. At no time did the Council request any technical transport study during the course of the planning application process. From the evidence it is clear that the Local Highways Authority was consulted and did not raise objection to the scheme proposal. The planning case officer was content to support the planning application on that basis and a favourable recommendation was submitted although this was overturned by the relevant committee. I have already determined that the Council was able to set aside the officer recommendation and that its stance in this regard was reasonable given the circumstances and the length Members took to finally reach their decision.
5. However, having chosen to exercise a right of appeal, the appellant was entitled to prepare whatever information it considered necessary to support his case at appeal. The Council in turn was able to defend its position within acceptable timescales.

Conclusion

6. Therefore, for the reasons set out above, unreasonable behaviour in terms of procedural matters, 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 of costs is not therefore justified.

Gareth W Thomas

INSPECTOR