

Costs Decision

Site visit made on 12 December 2016

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

Decision date: 9 January 2017

Costs application in relation to Appeal Refs: APP/P2365/X/16/3151131 and APP/P2365/W/16/3151161

Moss Grove Cottage, Wood Lane, Lathom, Ormskirk L40 4BW

- The application is made under the Town and Country Planning Act 1990, sections 78, 195 and 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr and Mrs Beckett for an award of costs against West Lancashire Borough Council.
 - The appeals were against the refusal of a certificate of lawful development for a side extension, a rear extension and a detached pool house, and refusal of planning permission for demolition of existing dwelling and replacement with one detached dwelling, associated landscaping and new access.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) 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 expense in the appeal process.
3. The PPG is clear that awards of costs are made on the basis of unnecessary costs incurred in the appeal, rather than the application, process. A local planning authority is, however, at risk of an award of costs against them if an appeal could have been avoided if, for instance, there had been better communication with the Applicant during the application process.
4. The weight to be given to the fallback status of permitted development rights, to affidavits and statutory declarations, to the SPD and to case law is a matter of planning judgement and Officers of the local planning authority did not act unreasonably in reaching their own planning judgement on these matters. Their views, known to the Applicants and to their Agent, were clearly against grant of an LDC and planning permission and there would have been little to gain even if there had been greater dialogue during the application process. Nothing submitted by the Applicants was conclusive in itself and there is no evidence to indicate that proper and fair procedures were not followed at the planning committee. The local planning authority has not behaved unreasonably at either application or appeal stage and the claim for costs thus fails.

John Braithwaite

Inspector
