The Planning Inspectorate

Costs Decision

Site visit made on 13 February 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 2nd March 2017

Costs application in relation to Appeal Ref: APP/T2350/W/16/3164622
Davis Gate Cottage, Clitheroe Road, Dutton, Longridge PR3 2YT

- 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 Ribble Valley Borough Council for a full award of costs against Mr and Mrs C Hopwood.
- The appeal was against the refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.

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 Council in making its application cites paragraph 053 of the PPG, which sets out that appellants are at risk of an award of costs being made against them if the appeal or grounds of appeal had no reasonable prospect of succeeding. This may occur when; the development is clearly not in accordance with the development plan, and no other material considerations such as National Planning Policy are advanced that indicate that decisions should have been made otherwise, or where other material considerations are advanced, there is adequate supporting evidence. The Council contend that the appellants have gave little regard to the adopted status of the development plan and its compliance with the National Planning Policy Framework in submitting the original application and appeal, and no substantive reasoning has been put forward by the appellants.

4. That I found in favour of the Council on the substantive matters does not determine the outcome of this application for an award of costs. The appellants' case was not without substance. The appellants' arguments did have some standing and I have had to consider their arguments carefully. The case was ultimately unpersuasive but it was extensive and reasonably made. I do not agree that it was frivolous and cannot be said to have had no prospect of success.

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. It follows that an award of costs is not justified.

Caroline Jones

INSPECTOR