

Costs Decision

Site visit made on 21 January 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 6th March 2017

Costs application in relation to Appeal Ref: APP/D2320/W/16/3160406 Orcheton House Farm, Wood Lane, Heskin, Chorley, PR7 5PA

- 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 Richard Prideaux for a full award of costs against Chorley Borough Council.
 - The appeal was against the refusal of the Council to grant approval for a development described as "prior approval application under Part 3, Class Q (a and b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 for proposed change of use of agricultural building to 2 no dwelling houses and associated operations".
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Decision

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

Reasons

2. Planning Practice Guidance ("PPG") 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 appellant submits that the Council has acted unreasonably in that it has failed to substantiate its reasons for refusal. In support of its decision, the Council has provided a statement that includes copies of the photographs and a diagram that were submitted by interested parties to Planning Committee.
 4. The Council's statement is very brief and provides no substantive analysis or evidence as to why prior approval was refused. Instead, it simply describes the decision that Planning Committee took and does not set out a detailed case to support the reasons for refusal. The fact that the appeal relates to a prior approval application rather than a planning application does not absolve the Council of the need to support its reasons for refusal with analysis and evidence.
 5. PPG lists examples of the behaviour that may give rise to a substantive award of costs against a local planning authority. These include: "*failure to produce evidence to substantiate each reason for refusal on appeal*", and "*vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis*". In this case, the Council has clearly failed to substantiate its reasons for refusal beyond a series of unsupported assertions. Accordingly, I must conclude that the Council has behaved unreasonably in the appeal process.
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6. However, interested parties did provide a detailed case in support of the reasons for refusal that included statements prepared by both a planning consultant and a solicitor. I therefore have a full and reasoned case before me, which the appellant has had to rebut, even in the absence of a substantive case from the Council. For an award of costs to be justified, PPG requires both that unreasonable behaviour is demonstrated, and, that unnecessary or wasted expense is incurred during the appeal process. In this case, whilst the Council has acted unreasonably, no unnecessary or wasted expense has been incurred as the appellant would have had to rebut the case provided by interested parties in any case.
7. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Thomas Hatfield

INSPECTOR