

Costs Decision

Site visit made on 17 April 2018

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 23 April 2018

Costs application in relation to Appeal Ref: APP/H4315/C/17/3181816

Barrows Farm, Carr Mill Road, Billinge WN5 7TX

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by St Helens Metropolitan District Council for an award of costs against Mr Adam Lowe.
 - The appeal was against an enforcement notice alleging the material change of use of land to a use comprising the storage of agricultural vehicles, plant and machinery such vehicles, plant and machinery being used in connection with an agricultural contracting business and the carrying out of unauthorised engineering operations.
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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 Appellant has referred to matters in his ground (a) and (f) appeals that relate to grounds (c) and (d). These were errors, consciously or unconsciously made, and the matters could simply be discounted in considering the ground (a) and (f) appeals. This does not constitute unreasonable behaviour. The Appellant can rely on statements made on the appeal form and is not required to submit a later appeal statement. The Appellant has not acted unreasonably.
4. Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

John Braithwaite

Inspector