

Costs Decision

Site visit made on 17 April 2018

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

Decision date: 25 April 2018

Costs application in relation to Appeal Ref: APP/P2365/C/17/3179085 Kenwood, Moss Lane, Burscough, Ormskirk L40 4AT

- 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 Mrs Pam Sales for a full award of costs against West Lancashire Borough Council.
 - The appeal was against an enforcement notice alleging the change of use of the land from agriculture to domestic garden.
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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 grant of a Certificate of Lawful Development (LDC), on appeal, for two caravans at Homefield is not relevant to the Appellant's appeal. The documentation considered at the LDC application and appeal stages has not been brought forward so it is not possible to determine what led to the Council's refusal of the application and to the Inspector's Decision. This factor notwithstanding, considerations that led to the grant of the LDC for the stationing of two caravans within the curtilage of Homefield will have been wholly different to those that have been relevant to whether the use of the appeal land has become lawful through the passage of time. The Council has not been inconsistent in their decision making and has not behaved unreasonably. The Appellant has not therefore incurred unnecessary or wasted expense and the claim for an award of costs thus fails.

John Braithwaite

Inspector