



Costs Decision

Site visit made on 11 December 2018

by Sarah Manchester BSc (Hons) MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 18th January 2019

Costs application in relation to Appeal Ref: APP/P2365/W/18/3210495 30 Peet Avenue, Ormskirk L39 4SH

- 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 Matt Jackson for a full award of costs against West Lancashire Borough Council.
 - The appeal was against the refusal of planning permission for change of use of current property to HMO.
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Decision

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

Reasons

2. The application is seeking to recover the cost of consultant fees incurred in the appeal process and the loss of rental earnings as a result of the unreasonable refusal of the application. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby causes the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application relies on the fact that Council Officers recommended that the planning application be approved, but Council Members refused permission without adequate reason to do so and contrary to professional advice received.
4. The planning decision is one which is a matter of judgement. Council Members were entitled not to accept the professional advice of Officers so long as a case could be made to the contrary.
5. As can be seen from my appeal decision, I agree with Council Members that there were sufficient grounds for refusing planning permission on grounds relating to the living conditions and amenity of the occupiers of neighbouring properties. It therefore follows that I am satisfied that the Council has shown that it was able to substantiate its reason for refusal. Consequently, I cannot agree that the Council has acted unreasonably in this case and do not consider that the Applicant incurred unnecessary or wasted expense.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated in this case.

Sarah Manchester

INSPECTOR