



Costs Decision

Site visit made on 11 April 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2019

Costs application in relation to Appeal Ref: APP/A2335/W/19/3220346 Land North of 1 Melling Hall, Melling, Lancaster, LA6 2RA

- 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 and Mrs G Vass for a full award of costs against Lancaster City Council.
 - The appeal was against the refusal of the Council to grant outline planning permission for the erection of a detached dwelling and creation of an access.
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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 appellants are claiming full costs in respect of two Heritage Statements they commissioned to support their appeal. They question the professionalism and qualifications of Council staff who handled the planning application and feel that it was not considered properly as a consequence. Many of the areas of disagreement on the interpretation of matters or on professional judgement have been dealt with in the determination of the Section 78 appeal and it is not necessary for me to deal with them in this costs application.
4. Given the issues raised in respect of the appeal proposal one would expect applicants to commission professional advice and reports to accompany the planning application. Furthermore, given the reasons that the application was refused it is not unreasonable to expect planning consultants to be commissioned to advance a case for an appellant. Parties are expected to meet the costs of such reports.
5. Whilst the appellants may take a different view on the professional judgement of Council Officers and the decision of the Council, these are matters that are tested through the Section 78 appeal and do not amount to unreasonable behaviour on the part of the Council.
6. The application was submitted on the 14 March 2018 and determined on the 17 July 2018. During consideration of the application there would have been opportunities to discuss the application with Council Officers and I note that your architect did. I consider that the Council dealt with your planning

application in a timely manner and find no evidence before me to suggest they acted unreasonably.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

David Storrie

INSPECTOR