
Costs Decision

Site visit made on 23 July 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2019

Costs application in relation to Appeal Ref: APP/A2335/D/19/3227428 4 Main Street, Heysham LA3 2RW

- 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 John Ellison and Mrs Adelle Ellison for a full award of costs against Lancaster City Council.
 - The appeal was against the refusal of the Council to grant planning permission for a detached garage and log storage building.
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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. There are three elements to this claim. The first is that the Council had not taken into account a 2012 appeal decision¹ relating to a conservatory development at a neighbouring property. The second is that the Council's decision in respect of the development's impact on views along Main Street and the setting of the Listed Building at 1-5 Main Street was vague and inaccurate. The third is that "the local authority were influenced by other previous planning issues with the appellant at the same address 4 Main Street".
4. Paragraph 049 of Planning Practice Guidance indicates that local planning authorities will be at risk of a substantive costs award being made against them for, among other things, not determining similar cases in a consistent manner, or for making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
5. No evidence was provided that the Council had not taken the 2012 appeal decision into account. In any event, that decision related to an extension to an existing building rather than a detached building, and so is not directly comparable. This appeal required the assessment of the proposal's effects on the character and appearance of the area and upon heritage assets, which involves matters of subjective judgement. The Council assessed the proposal on its own merits and against the relevant development plan policies, and I do not consider that it was inconsistent in its decision making.

¹ APP/A2335/D/12/2184997

6. The Council's decision notice and officer report set out clearly why it reached its conclusion in respect of the effect of the proposal on the heritage assets, and I do not consider that the Council's conclusions were vague, generalised or not objective.
7. No evidence or information was provided to substantiate the claim that the Council's decision was influenced by its previous dealings with the applicant, and it therefore follows that I also cannot find that the Council was unfair in that regard.

Conclusion

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

M Cryan

Inspector