



Costs Decision

Site visit made on 24 September 2019

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2019

Costs application in relation to Appeal Ref: APP/T2350/W/19/3229136 Susie Cottage, Rimmington Lane, Rimmington BB7 4DT

- 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 Ian Procter for a full award of costs against Ribble Valley Borough Council.
 - The appeal was against the refusal to approve details required by a condition of a planning permission for the demolition and erection of a replacement two-storey dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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. Paragraph 049 of the PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Examples include: preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failures to produce evidence to substantiate each reason for refusal on appeal; and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant considers that the proposed material presented to discharge Condition No.3 is in keeping with the surrounding area and is not dissimilar to the approved scheme or the existing tiles. Furthermore, it is asserted by the applicant that no evidence has been provided to substantiate the Council's position, and the reasons to refuse to discharge the condition are vague, providing generalised assertions over the proposal's impact and the surrounding context.
5. However, on balance, I find the decision is one of a matter of judgement. The Council's reason for refusal set out in the decision notice is complete, specific and relevant to the application. Additionally, I consider that the wording of the reason for refusal not to represent unreasonable behaviour. The Council further supported their reason for refusal with an Officer Report and a Statement of Case. These documents expanded on the reason for refusal, identified the

issues and described the reasons why the Council considered the proposed material would be unsuitable.

6. Whilst I do not agree with the conclusion that the Council reached in refusing the application to discharge the proposed roof material, I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the applicant was put to unnecessary or wasted expense.

Conclusion

7. On the basis of the evidence before me, I conclude that it has not been demonstrated that the Council's behaviour caused unnecessary or wasted expense in so far as an award of costs could be justified. I therefore determine that the costs application should fail and no award is made.

W Johnson

INSPECTOR