
Costs Decision

Site visit made on 29 October 2019 by Hannah Ellison BSc (Hons) MSc

Decision by V Lucas LLB (Hons) MCD MRTPI

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

Decision date: 27 January 2020

Costs application in relation to Appeal Ref: APP/P2365/W/19/3235263 5 Blythe Meadow, Burscough, Ormskirk, L40 7GA

- 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 Alan Hughes for a full award of costs against West Lancashire Borough Council.
 - The appeal was against the refusal of planning permission for an extension to rear of existing detached garage.
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Decision

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

Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons

3. The Planning Practice Guidance (the Guidance) advises that, irrespective of the outcome of the appeal, 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.
4. The Guidance also makes it clear that costs cannot be claimed for the period during the determination of the planning application, although all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in determining whether or not costs should be awarded.
5. The applicant's case for seeking an award of costs is grounded in substantive matters, namely that they feel the Council made an inaccurate assertion that part of the appeal site is a paddock, which therefore prevented development which should clearly be permitted.
6. The planning decision is one which is a matter of judgement and having regard to the Council's evidence it is sufficiently clear to me that their objections centre around the effect of the proposed development on the Green Belt. The Council's decision was clearly supported with substantive reasons based on the

assessment of the site and interpretation of local and national Green Belt policy.

7. I note there are fundamental disagreements between the parties relating to the use of the land to the rear of the existing garage. As I have found in the supporting appeal decision, when assessed against Green Belt policy the use of the land had no bearing on the outcome of the appeal as the proposal concerned operational development as whether the proposed extension was a disproportionate addition to the original building was also a relevant test to consider. However, to my mind, this matter was unlikely to be resolved during the application process and thus could only be dealt with at appeal. As such, the appeal process was unavoidable, and I do not therefore find that the Council have acted unreasonably in this regard.
8. In accordance with the Guidance, the Council refused the application in accordance with development plan policy, and no material considerations indicated that planning permission should have been granted.

Conclusion

9. With the above in mind, I find that the Council has not acted unreasonably and thereby caused the applicant to incur unnecessary or wasted expense. A claim for costs is not therefore justified and accordingly I recommend it is refused.

Hannah Ellison

Appeals Planning Officer

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for an award of costs is refused.

V Lucas

INSPECTOR