
Costs Decision

Site visit made on 10 December 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2020

Costs application in relation to Appeal Ref: APP/E2340/W/19/3237541 Morris Ing, Skipton Road, Earby BB18 6JL

- 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 & Mrs Beecroft for a full award of costs against Pendle Borough Council.
 - The appeal was against the refusal of planning permission for the erection of 6 no. two storey 2, 3 & 4 bedroom dwellings with associated gardens and parking.
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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 submit that the Council have behaved unreasonable by disregarding the recommendations of the drainage consultee and Yorkshire Water. The general principle embodied within the guidance is that the parties involved should normally meet their own expenses. I have carefully considered the matter of a full, and indeed, a partial award of costs.
4. It is the planning committee's responsibility as the decision maker to ensure that proposals accord with development plan policies, and that they are satisfied with the technical information submitted with planning applications and the recommendations made by Council officers on such matters. Furthermore, they are required to consider any representations made by third parties, and the specialist advice put forward by consultees. In the event that committee members arrive a different conclusion to that of the Council officer's recommendations, I do not consider this to be unreasonable provided they have considered the representations and specialist advice and give clear reasoning.
5. In this particular case the Council officer's report clearly summarised the relevant development plan policies, the conclusions of the appellants' Flood Risk Assessment, the advice from Yorkshire Water, as well as the concerns raised by local residents and Earby Town Council. Therefore, I am satisfied that the relevant representations and specialist advice regarding flood risk and drainage were considered by Committee members. Furthermore, whilst I accept the minute of the Committees' resolution to refuse the application on

the 4 June 2019 is brief, the decision notice issued by the Council does provide clear reasoning for the refusal.

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

R Cooper

INSPECTOR