
Costs Decision

Site visit made on 9 December 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2020

Costs application in relation to Appeal Ref: APP/N2345/W/19/3238195 Land south of Brierley Lane, Eaves, Preston PR4 0DP

- 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 Duxbury for a full award of costs against Preston City Council.
 - The appeal was against the refusal of an application for planning permission for Stage 1 Permission in Principle for up to 2no. dwellings.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, Paragraph 030 of the National Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Unreasonable behaviour can relate to procedural matters (i.e. the appeal process) or substantive matters (i.e. issues related to the planning merits of the appeal).
4. The appellant considers the Council behaved unreasonably resulting in unnecessary and wasted expense in the appeal. With reference to examples of unreasonable behaviour provided in the PPG the appellant claims that the LPA failed to determine similar cases in a consistent manner and that the LPA unreasonably introduced density as a reason for refusal.
5. It will be seen from my appeal decision that I did not have full and precise details of the other cases referred to by the appellant and that in any event I determined the proposal on its individual planning merits. Furthermore, I have agreed with the Council that the appeal site does not constitute infill development and that it would not accord with policies in the adopted development plan for the area and the National Planning Policy Framework.
6. I do not consider that it was unreasonable for the Council to refer to density in its reason for refusal and I am satisfied that in all respects it has reasonably substantiated all of its planning concerns. Whilst I acknowledge that detailed matters such as density could be addressed as part of the stage 2 PiP process, it was nonetheless reasonable for the Council to take the view that in principle

the erection of up to two dwellings on the appeal site would cause significant harm to the character and appearance of the area.

Conclusion

7. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

J Hunter

INSPECTOR