
Costs Decision

Site visit made on

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Costs application in relation to Appeal Ref: APP/A2335/W/19/3242654 14, The Dalton Rooms, Dalton Square, Lancaster LA1 1PL

- 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 Paul Roberts for a full award of costs against Lancaster City Council.
 - The appeal was against the refusal of planning permission for alterations to the shop front fascia.
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Decision

1. The application for an 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. 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 Council has not suitably substantiated its reason for refusal.
4. The appellant asserts that the Council failed to provide any evidence as to the former use of the host building or that its original frontage was 'open' and that this was an important feature of the Conservation Area.
5. Furthermore, the appellant claims that the Council acted against the advice of its specialist adviser in refusing planning permission despite the Conservation Officer raising no objection.
6. Finally, the appellant submits that a photograph was submitted that evidenced that there was a precedence for fascia panels on the appeal property and that this was acknowledged by the Conservation Officer but not addressed by the Council during the appeal.
7. It will be seen from my decision that I agree with the Council in that I have found that the development amounts to less than substantial harm to the Conservation Area. The appellant did not provide any substantive technical evidence with reference to the need for the acoustic panels and therefore I

attach very limited weight to the public benefits in terms of noise mitigation. Consequently, in the context of paragraph 196 of the National Planning Policy Framework, the public benefits identified do not outweigh the less than substantial harm arising from the development.

8. This is a matter of overriding concern which meant that it was not necessary for me to reach a conclusion on the former use of the building or indeed whether the building had previously had an open frontage or fascia panels.
9. Accordingly, I am satisfied that the Council had reasonable concerns about the harmful effect of the development on the Character and Appearance of the Conservation Area and that in all respects it has reasonably substantiated all of its planning concerns.

Conclusion

10. 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