The Planning Inspectorate

Costs Decision

Site visit made on 11 August 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2020

Costs application in relation to Appeal Ref: APP/A2335/W/20/3250683
Garage off Brookhouse Road, Caton LA2 9RG

- 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 Quinn for a full award of costs against Lancaster City Council.
- The appeal was against the refusal of planning permission for the change of use of existing garage to single dwelling.

Decision

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

Reasons

2. The Planning Practice Guidance (the 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. In order to be successful, an application for costs needs to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense. Parties in the appeal process are normally expected to meet their own expenses.

3. The applicant's appeal submission included various supporting documents which were submitted in response to some of the Council's reasons for refusing planning permission. These focussed on the provision of sufficient evidence. These were not new concerns given the site's planning history and the Council's request for additional information to be submitted. It is the applicant's role to provide the information to support their scheme, and it seems to me that the Council did provide ample opportunity for the information to be submitted.

4. While the Council could have potentially held onto the application for a few more days, there was no indication when the additional information was to be submitted. The Council does need to determine planning applications within the statutory period and should not routinely extend their lifetime, given that the applicant could have engaged with the Council about such a request as they would have logically known how long the additional information was taking to prepare and submit. The Guidance also confirms that a Planning Performance Agreement does need to agreed before a planning application is submitted.

5. Given the Council's concerns and the additional documents submitted I consider that the Council has not prevented and therefore delayed the development of the site by refusing the planning application. The Council has

also engaged with the evidence submitted as part of the appeal. While I have not wholly agreed with their stance, judgements were required in respect of matters such as the scheme's effect on the Area of Outstanding Natural Beauty (AONB), existing trees and as to whether the building is capable of conversion.

6. I am mindful that the Council's Tree Protection Officer commented on a previous scheme on the site. While they did not raise objections to a treatment plant near to T1 and T2, I have no reason to doubt the Council's view that they did not agree with this consultation response when considering the proposal in the round. Amendments were also been made by the applicant to the site plan following the submission of the planning application subject of this appeal, to omit the re-grading of land to the rear of the building. Moreover, greater clarity has now been provided by the applicant compared to the documentation before the Council when it considered the latest planning application with a view to demonstrating a coherent and consistent approach to development.

7. Overall, the Council reasoned their stance in respect of trees and foul drainage based on the scheme subject of this appeal. In any event, even if I were to consider that the Council has acted unreasonably, this has not caused the applicant to incur costs unnecessarily or wasted expense above that reasonably expected for parties to incur as part of the appeal process.

8. The Council also, based on their concerns relating to the AONB and flood risk, fairly approached Framework paragraph 11 d). The appeal has not therefore been pursued unnecessarily.

Conclusion

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

Andrew McGlone

INSPECTOR