
Costs Decision

Site visit made on 15 October 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2020

Costs application in relation to Appeal Ref: APP/W2365/W/20/3252163 Buildings at Boydells Farm, Hillock Lane, Dalton, Wigan WN8 7RJ

- 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 Gerald for a full award of costs against West Lancashire Council.
 - The development proposed is change of use of 2 agricultural barns to 5 dwelling houses.
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Decision

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

Reasons

2. Paragraph 30 of the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably, and thereby caused the party applying for the costs to incur unnecessary or wasted expense in the appeal process.
3. In assessing the application for costs, I note the applicant has referred to alleged unreasonable behaviour of the Council with respect to: failure to communicate on the scheme details following its submission; not visiting and fully assessing the appeal site and not allowing an adequate period for assessing application information to overcome planning issues in dispute.
4. It is clear from the submitted Officer Report that the Council had concerns regarding the extent of what the prior approval process permits and the impact to the character and appearance of the area. The Council was not obliged to agree with the applicant's views on whether the proposal is permitted development and has provided an adequate explanation in its report of why it refused prior approval.
5. There is no substantive evidence before me which demonstrates that the appeal scheme was not properly assessed by the Council or that the conclusion it reached with respect to: the scope of alleged conversion over rebuild or character and appearance impacts was reliant on baseless concerns.
6. That said, there is not an adequate explanation in the appeal documentation of why the siting of the buildings makes it impractical or undesirable for them to change from agricultural use to dwelling house uses, or why noise issues should count against the proposal as set out in the Council's Decision Notice. This runs counter to the findings of the Officer delegated report. Despite those specific shortfalls there is no evidence that those elements of the appeal have resulted in the appellant being faced with unnecessary expense.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the applicant's claim for costs fails.

M Shrigley
INSPECTOR