



Costs Decision

Site visit made on 20 October 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2020

Costs application in relation to Appeal Ref: APP/B2355/W/20/3255543 Lumb Grange, Lumb Village, Rossendale, BL0 0QR

- 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 James Grandidge for a full award of costs against Rossendale Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for alterations and extensions to roof structure to provide extra en-suite bedrooms.
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Decision

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

Reasons

2. Planning Practice Guidance ('PPG') 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 appellant submits that the Council has acted unreasonably in that it failed to determine the application for almost 5 months and did not provide an adequate explanation for this.
4. PPG advises¹ that if it is clear that the Local Planning Authority will fail to determine an application within the time limits, it should give the applicant a proper explanation. If an appeal in such cases is allowed, the local planning authority may be at risk of an award of costs, where there were no substantive reasons to justify delaying the determination and better communication would have enabled the appeal to be avoided altogether.
5. In this case, I have allowed the appeal and granted planning permission for the development. However, the Council clearly had significant concerns regarding the proposal, which it outlined in an email dated 9 April 2020. It is unclear why the application was not determined following receipt of the appellant's Planning Statement Supplement on 29 April 2020. Moreover, from the information before me, it appears that the Council failed to respond to subsequent emails and did not provide a proper explanation for its failure to determine the application. I appreciate the appellant's frustration in this regard. However, an appeal would not have been avoided had the application

¹ Paragraph ID: 16-048-20140306

been determined within the usual timescales, and so no wasted or unnecessary expense has been incurred during the appeal process.

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

Thomas Hatfield

INSPECTOR