
Costs Decision

Site visit made on 6 October 2020 by C McDonagh BA (Hons) MA MRTPI

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2020

Costs application in relation to Appeal Ref: APP/P2365/W/20/3256383 45 Carr Lane, Tarleton PR4 6BS

- 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 Flannery for a full award of costs against West Lancashire Borough Council.
 - The appeal was against the refusal of planning permission for the demolition of existing stables and erection of one dormer bungalow.
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Decision

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

Appeal Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons

3. 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 costs to incur unnecessary or wasted expense in the appeal process. Costs may be awarded to any party regardless of the outcome of the appeal.
4. A local planning authority is at risk of an award of costs for a failure to produce evidence to substantiate each reason for refusal on appeal, or preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
5. The application for costs centres on the appellant's concern that the Council acted unreasonably in reaching its decision on the planning application. This is on the basis that it misinterpreted the guidance on Green Belt proposals within the National Planning Policy Framework (the Framework) and that the key development plan policy, GN1 of the West Lancashire Local Plan Development Plan Document (DPD), is not aligned with the aims of the Framework.
6. The planning decision is one which is a matter of judgement having regard to the relevant policies of the development plan and guidance in the Framework. The officer report makes it sufficiently clear that the Council's objections centre around the effect of the proposed development on the fundamental aim of

Green Belt policy in keeping land permanently open. This was clearly supported with reference to the Framework.

7. Moreover, Policy GN1 of the DPD and guidance in the SPD is of relevance insofar as they align with the aims of the Framework and their reference to being read alongside national policy. As per the Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Whilst I note that the relevant section of the SPD does not strictly align with the requirements of paragraph 145 (g) of the Framework there is nothing to suggest that the Council misapplied local and national planning policy when assessing the merits of the scheme.
8. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for an award of costs is refused.

Susan Ashworth

INSPECTOR