The Planning Inspectorate

Costs Decision

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

by Sarah Housden BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2020

Costs application in relation to Appeal Ref: APP/D2320/W/20/3255316
4 Hallgate, The Little Inn on the Park, Chorley PR7 1XA

- 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 Ms Wendy Boyd for a full award of costs against Chorley Borough Council.
- The appeal was against the refusal of planning permission for mixed use A3/A4.

Decision

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

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 only be awarded where a party has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

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. I note the reference to Policy EP9 of the Chorley Local Plan Site Allocations and Development Management Policies Development Plan Document within the officer report and decision notice. However, the assessment within the report under the heading 'Principle of the development' clearly describes the site as being within a District Centre, and refers to Policy EP7, rather than an Edge-of-Centre or Out-of-Centre location which is covered by Policy EP9. As such, while the typographical error in the decision notice was unfortunate, the assessment was made against Policy EP7. Within the officer report, the Council clearly justified their reasoning behind the national and local policies that were applicable in this case.

6. With regards to the late publication of the officer report, I can appreciate this was unhelpful to the appellant seeking to appeal the decision as soon as possible to comply with prescribed timescales for the submission of an appeal.

However, at this time the Council was dealing with the unique circumstances arising from the COVID-19 pandemic. Furthermore, I note that, despite the officer report being published after the appeal was lodged, the appellant was still able to review it and was provided with the opportunity to submit final comments. In this respect, I do not find that the appellant was put to any unnecessary or wasted expense or that the delays amounted to unreasonable behaviour.

7. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

8. 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.

Sarah Housden

INSPECTOR