



Costs Decision

Site visit made on 16 December 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2021

Costs application in relation to Appeal Ref: APP/M2325/D/20/3259696 Hillside Farm, Well Lane, Little Ecclestone With Larbreck PR3 0XR

- 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 Andrew Alty for a full award of costs against Fylde Borough Council.
 - The appeal was against the refusal of planning permission for demolition of single storey rear outbuilding and erection of two storey rear extension.
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Decision

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

Reasons

2. 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.
3. The PPG indicates that local planning authorities (LPAs) are at risk of an award of costs if they behave unreasonably by delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The applicant asserts that unreasonable behaviour has resulted from the Council's pre-application advice and that the LPA, in the applicant's view, erred in law in its application of Policy H7 of the Local Plan (LP).
5. I do not have full details of the pre application advice given in 2012. However, the LPA have provided a copy of the written pre-application advice it gave in 2020 which is of most relevance to the proposal before me. The advice was clear, recommended a reduction to the footprint and a revision to some of the design features. Moreover, it confirmed that in its current form it would not be a development which would be supported. Given the clear advice and consistency in its decision, following the submission of the application, I can not therefore accept that this advice has led to any wasted expense in the appeal.
6. With regards to Policy H7 of the LP, it is clear from the LPA's decision notice and officer report that the refusal was not based solely on the conflict with this policy. Moreover, it will be seen from my appeal decision that I have made my own assessment on this matter and found conflict with Policy H7. As such, I do not agree that the LPA acted unreasonably in refusing the application on this basis.

7. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Robert Walker

INSPECTOR