



Costs Decision

Site visit made on 5 January 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2021

Costs application in relation to Appeal Ref: APP/B2355/W/20/3259984 Zion Cottage, Saunders Height Lane, Newchurch, Rossendale, Lancashire BB4 9NB

- 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 A Nasueda 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 planning permission for a replacement dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) sets out that parties in planning appeals are expected to behave reasonably. It goes on to say that where a party has behaved unreasonably, and that unreasonable behaviour has caused unnecessary or wasted expense in the appeal process, they may be subject to an award of costs. The PPG sets out examples of behaviour which may give rise to an award of costs against the Council.
3. The applicant suggests that the Council has behaved unreasonably, by failing to determine the application within the time limits and failing to give the applicant a proper explanation or reasons for this, despite regular requests to do so.
4. The Council suggests that concerns over the validity of the application and sufficiency of the information provided, which arose during the determination period contributed to their failure to issue a decision in time. However, I have little sympathy with that reasoning as they did validate the application and had apparently sought additional information before doing so.
5. In that regard, I find that the behaviour of the Council was unreasonable, as no substantive reasons were given for failing to issue a decision, particularly in light of the number of requests for information and updates made by the applicant.
6. However, it is clear from the submissions of the Council that they would have refused the application, and that they would have done so for substantively the same reasons as previously. As such, it appears to me that at the time the application was made, and indeed the Planning Statement written to address the reasons for refusal of the previous application (which was not appealed),

the applicant could reasonably have foreseen that the appeal proposal would be refused. As the appeal submissions did not add substantially to the application submission, I do not consider that the behaviour of the Council lead to any unnecessary or wasted expense on the part of the applicant.

Conclusion

7. I therefore find that whilst the Council has demonstrated behaviour which could be considered unreasonable in the terms of the PPG, that unreasonable behaviour did not then result in unnecessary or wasted expense on the part of the applicant.
8. The application for an award of costs is therefore refused.

S Dean

INSPECTOR