



Costs Decision

Site visit made on 1 June 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Costs application in relation to Appeal Ref: APP/B2355/W/21/3269528 Former car park, Park Road, Helmshore, BB4 4NW

- 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 Denley Properties Ltd for a full award of costs against Rossendale Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for Full application for residential development.
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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 refusing the planning application and preventing development which should clearly be permitted. The applicant alleges that the reasons for refusal are both manufactured and unreasonable, as well as vague, generalised, inaccurate and unsupported by any objective analysis.
4. The Council claims that despite Officers recommending approval of the application, it was within the gift of Members not to be bound by that recommendation. The Council also states that their reasons were based on an assessment of the proposal against all relevant policies and material considerations.
5. It is clear and well established that Members of a Planning Committee are not bound to the recommendations of their Officers. Similarly, it is clear and well-established that appropriate reasons for decisions must be given. From my assessment of, and conclusions on the appeal scheme, set out in my main Decision, it is clear that in this case, the Main Issues were finely balanced.
6. The Committee, in exercising the judgement to which they are entitled, reached a different conclusion to their Officers. It is clear that this difference applied both to their judgement on the effects of the proposal and their carrying out of the balancing exercise in paragraph 11d(ii) of the National

Planning Policy Framework (the Framework). None of this is in itself unreasonable.

7. I consider that the reasons for refusal are not vague or generalised, nor are they inaccurate and unsupported by objective analysis. The Council has explained the decision taken, and as I have noted above, this is clearly a matter of judgement. Such matters of judgement can be particularly difficult to explain in relation to matters of character and appearance, but I find that the Council have done so satisfactorily in this case.

Conclusion

8. I therefore find that during the appeal the Council did not demonstrate behaviour which could be considered unreasonable in the terms of the PPG, and which then resulted in unnecessary or wasted expense on the part of the applicant.
9. The application for an award of costs is therefore refused.

S Dean

INSPECTOR