
Costs Decision

Site visit made on 10 May 2021

by J Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2021

**Costs application in relation to Appeal Ref: APP/A2335/X/20/3261623
Lower Addington Farm, Birkland Barrow Road, Addington, Nether Kellet,
Carnforth LA6 1FJ**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Stonegate Agriculture Ltd for a full award of costs against Lancaster City Council (the LPA).
 - The appeal was against the refusal of a certificate of lawful use or development for the erection of 5 silos.
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The applicant's grounds for seeking an award of costs are largely predicated on the basis that the LPA's reasons for refusing the LDC application were limited and contradictory in their use of case law, and misleading in the sense that it raised the point regarding industrial processes which was irrelevant.
4. However, as can be seen from the appeal decision, I have come to the conclusion that the LPA's decision to refuse the LDC application was well-founded. Whilst section 195 of the 1990 Act is clear that my remit is confined to considering whether the refusal was well-founded and not the reasons for it, I see nothing unreasonable in the LPA's approach to the LDC application. I consider the LPA had sufficient regard to the relevant case law and did not apply it erroneously nor indeed did I find anything within its appeal submissions that raised points that were misleading or irrelevant.

Conclusion

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated.

J Whitfield

INSPECTOR