
Costs Decision

Site visit made on 22 June 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 6th September 2021

Costs application in relation to Appeal Ref: APP/P2365/W/21/3273708 Marshall's Farm Middle Meanygate, Tarleton, Preston PR4 6LP

- 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 L Dagnall for a full award of costs against West Lancashire Borough Council.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
-

Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may only 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. Applications for costs should clearly demonstrate how alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) requires the developer to apply for prior approval as to the external appearance of the dwellinghouse including the design and architectural features of the principal elevation. Furthermore, the GPDO requires the pitch of the roof to be the same as that of the principal part of the dwellinghouse. The applicant considers that the Council therefore behaved unreasonably by refusing the application with reference to the roof and to the character and appearance of the area.
4. I understand the applicant's frustration and disappointment with the Council's decision because, under the terms of the GPDO, the flat roof of the existing dwelling dictated that the proposal should also have a flat roof. Nevertheless, the flat roof has a bearing on the eaves line and the external appearance of the principal elevation.
5. Moreover, the GPDO is not specific in relation to the scope of the assessment of the effect of the development on the external appearance of the dwellinghouse. It does not require that external appearance be considered in isolation of its surroundings. Furthermore, the GPDO requires that regard should be had to the relevant provisions of the National Planning Policy Framework as if the application were a planning application. Therefore, it will be a matter of

planning judgement as to whether the effects should be considered in relation only to the design of the building or also in terms of its relationship to nearby buildings. Consequently, the Council did not behave unreasonably by taking account of the surrounding built context in its assessment of the proposal.

6. As can be seen from my appeal decision, I also found that the proposal would not be development permitted under the GPDO and I dismissed the appeal accordingly. It therefore follows that approval was not unjustifiably withheld and the council did not prevent or delay development that should clearly have been permitted.

Conclusion

7. For the reasons set out above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified.

Sarah Manchester

INSPECTOR