



Costs Decision

Site visit made on 26 August 2021

by Mark Caine BSc (Hons) MTPL MRTPI LASR

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Costs application in relation to Appeal Ref: APP/M2372/W/21/3275902 Land off Accrington Road, Blackburn, Lancashire

- 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 Towers Group Ltd for a full award of costs against Blackburn with Darwen Borough Council.
 - The appeal was against the refusal of planning permission for a development proposed described as 'Erection of 3 number terrace style dwelling houses on vacant land off Accrington Road'.
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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 also states that local planning authorities are at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal or if they rely on vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. Nonetheless, I found the evidence within the Council's statement of case and decision notice to adequately articulate its objection to the scheme and the reasons for refusal, taking account of the wider context of the area and the relevant policies of the development plan. As such I am satisfied that the Council has provided adequate evidence to substantiate its reasons for refusing planning permission.
5. Whilst the applicant's frustration regarding the advice that it received at pre-application stage is acknowledged, this is non-binding, and there is no evidence before me to substantiate that assurances were made regarding the success of the planning application. Moreover, given the clear divergence in the cases of the two main parties and the technical difficulties that the applicant has put forward it is unlikely that this matter could have been resolved through discussions or minor amendments. Whilst the Council's communication might have been improved, the outcome is unlikely to have been altered and so the applicant has not been put to unnecessary expense in the appeal process.

6. As such I find 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.

Mark Caine

INSPECTOR