

Costs Decision

Site visit made on 10 August 2021

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an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 28 September 2021

Costs application in relation to Appeal Ref: APP/M2325/W/21/3267270 Home Farm, Watchwood Drive, Lytham St Annes, Lancashire FY8 4NP

- 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 Home Farm Lytham Limited for a full award of costs against Fylde Borough Council.
 - The appeal was against the refusal of planning permission for erection of dwelling and garaging, re-instatement of the wall and walled garden and vehicular access to same.
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Decision

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

Reasons

2. National Planning Practice Guidance (NPPG) 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.
3. The Council, both Officers and the Planning Committee, had due regard to all relevant local and national planning policies. The Committee would have been able to read for themselves the wording of FLP policy H6 and cannot have been misled by Officers. The Council made no claim that any harm would be caused to the significance of Lytham Hall, only to the Lytham Hall Park and Garden within which the appeal site is situated. They properly considered the historic significance of the heritage asset and the weight to be afforded to that significance. The second reason for refusal of the application flowed from that consideration and is clear and precise. The reasons for refusal of the application have been supported by objective analysis in the Council's appeal statement, which takes account of all material considerations. No other matters mentioned in the application for costs alters the conclusion that the Council has not acted unreasonably at either application or appeal stage and that the Appellant has not therefore incurred unnecessary or wasted expense. The application for an award of costs thus fails.

John Braithwaite

Inspector