



Costs Decision

Site visit made on 14 September 2021

by Samuel Watson BA (Hons) MSc MRTPI

An Inspector appointed by the Secretary of State

Decision date: 26 October 2021

Costs application in relation to Appeal Ref: APP/H4315/W/21/3277362 School Lane, Rainhill, Prescot L35 6NW

- 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 Jason Scott for a full award of costs against St. Helens Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the replacement of 2no horse stables and ancillary facilities.
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Decision

1. The application for costs is allowed in the terms set out below.

Reasons

2. Planning Practice Guidance (PPG) makes it clear that parties in planning appeals normally meet their own expenses. All parties are expected to behave reasonably to support an efficient and timely process. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. The applicant submits that the Council failed to properly consider the planning application, including prejudging the decision and not taking in to account recent similar approvals. They also argue that the Council's second reason for refusal was not properly considered and was based on false information. Finally, the applicant considers the Council did not act in a positive and proactive manner. The applicant finds that the above resulted in the refusal of an application which should have otherwise been approved, and that this resulted in wasted expense for the applicant in responding to these matters.
4. With regard to the first reason for refusal, there is insufficient evidence before me to demonstrate that the Council prejudged the decision or that they did not give full regard to all relevant matters. The Council's Delegated Officer Report was detailed setting out a number of matters including the policy background against which the proposal was considered, details of the proposal and an assessment of it. The refusal reason set out clearly the concerns in respect of the proposal.
5. From the evidence before me I find it likely that the Council did not properly communicate with the Applicant. However, although this would have been unhelpful for the Applicant, it has not been demonstrated that this resulted in any wasted expense for them.

6. Moreover, from the submitted information, and as all proposals need to be considered on their own merit, I find that the Council's decision in respect of the appeal application was not inconsistent with other decisions that it has made, including those examples submitted as part of the appeal process by the applicant.
7. However, the second reason for refusal was withdrawn by the Council during the appeal in response to comments from the Council's Tree Officer. While these comments were not available to the Council during the planning application, given their concerns as to the effect of the proposal on nearby trees, it is not clear why the Trees and Woodlands Officer was not consulted at this stage. Whilst it is unlikely the Council considered false information in their determination, as the refusal reason was withdrawn at the appeal stage it has resulted in wasted expense for the applicant in responding to it.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council shall pay to the applicant the costs of the appeal proceedings described in the heading of this award, limited to those costs incurred in dealing with the second reason for refusal, that withdrawn at the appeal stage; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to the Council, to whom a copy of this award has been sent, details of those costs with a view to reaching agreement as to the amount.

Samuel Watson

INSPECTOR