

Costs Decision

Hearing held on 15 September 2021

Site visit made on 15 September 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 1 November 2021

Costs application in relation to Appeal Ref: APP/M2325/W/21/3270115 Stanley Villa Farm Fishing and Camping, Back Lane, Weeton with Preese, Preston PR4 3HN

- 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 Alex Young for a full award of costs against Fylde Borough Council.
 - The hearing was in connection with an appeal against the refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
-

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. In summary, the reasons given for the appellant incurring unnecessary expense are that the Council did not have a sound basis for refusing planning permission and delayed reviewing the case promptly at appeal.
4. No assessment of the potential harm from additional noise from the proposal was provided with the application. Given the importance of this issue at the recent appeal and awareness of on-going complaints to the Council in this regard, I am satisfied that the importance of addressing this matter cannot have come as a surprise to the appellant.
5. In the absence of any assessment from the applicant, the Council made a judgement that there would be harm from the additional noise and provided adequate reasoning for coming to this conclusion. Although I concur that there were some flaws in the Council's case, at its heart was the undeniable argument that significantly increasing the number of occupants at the site would increase the noise generated. Subsequent assessment of the harm from this was necessarily a matter of judgement given the lack of quantitative evaluation. I conclude that the Council had a reasonable basis for refusing planning permission.

6. I do not find that the case officer disregarded the advice of the Environmental Health Officer. Both were consistent in raising concerns regarding the potential level of noise from the proposal. Sufficient reasoning was provided to explain why the officer judged that it was not appropriate to control this using a condition.
7. The claimant also suggests that too much reliance was put on the objections of interested parties. I am unclear how much weight was put on them, but ultimately this is a matter of planning judgement. Notwithstanding this, I have no evidence that this was determinative.
8. The Council responded to the noise assessment submitted as part of the appeal within the formal timescale. I acknowledge that the report was sent to the Council several months prior and that it could therefore have potentially responded sooner. However, independent submission to the Council occurred on the same day that the appeal was lodged. By this stage the appeal could not have been avoided because of the significant objections raised by interested parties.

Conclusion

9. In light of the above I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated. An award for costs is therefore not justified.

B Davies

INSPECTOR