



Costs Decision

Site visit made on 8 March 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2022

Costs application in relation to Appeal Ref: APP/E2340/D/21/3289981 181 Regent Street, Nelson BB9 8SG

- 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 Pendle Borough Council for a full award of costs against Mr Zulfqar Ali.
 - The appeal was against the refusal of outline planning permission for side and rear two storey extensions.
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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 indicates that an appellant is at risk of an award of costs being made against them if the development is clearly not in accordance with the development plan, and no other material considerations such as national planning policy are advanced that indicate the decision should have been made otherwise, or where other material considerations are advanced, there is inadequate supporting evidence.
4. It will be seen from my decision that I agree with the Council that there were sufficient grounds for refusing planning permission relating to the effect of the proposed development on the character and appearance of the area and the living conditions of occupiers of neighbouring properties.
5. Whilst I have found in the Council's favour, I do not believe the appellant was unreasonable in progressing an appeal. The effect the proposed development would have on the area and surrounding properties is subjective.
6. Limited details were submitted in the appellants grounds of appeal, nonetheless locations of schemes they considered comparable to the proposed development were provided, which could be a material planning consideration. Whilst I disagreed with the appellant it does not automatically follow that unreasonable behaviour has been demonstrated.

7. As a result, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

C Pipe

INSPECTOR