



Costs Decision

Site visit made on 15 February 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2022

Costs application in relation to Appeal Ref: APP/E2340/W/21/3282007 Oakfield, Skipton Old Road, Colne BB8 7AE

- 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 Peter Cunningham for a full award of costs against Pendle Borough Council.
 - The appeal was against the refusal of planning permission for the erection of 2 no. 3 bed dwellings and associated garages, parking and gardens.
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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 therefore caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may be procedural and/or substantive.
3. The applicant claims that the Council has acted unreasonably in that it has gone against the advice of its professional officers without good reason and there is no evidence to support/rationalise its reasons for refusing the application.
4. I have noted the recommendation of the Council's Officers which was for approval. The planning committee is not duty bound to follow the advice of its Officers as long as its contrary decision is made on planning grounds and clear evidence is provided to substantiate that reasoning.
5. One reason for refusal was given by the planning committee. This relates to concerns about highway safety arising from the nature of the proposed access which would be an unmade, unlit, single vehicle width access track from Bents with limited inter-visibility and sub-standard alignment off Bents/Bent Lane.
6. The Highway Authority initially objected to the proposed development on highway safety grounds. This included a concern about the lack of intervisibility at the junction where the access track meets Bents, with the potential for vehicles on Bents having to wait for vehicles to enter/leave the track which, given the restricted layout of the carriageway at this point, would be to the detriment of highway safety. Additional information was subsequently provided to identify passing places along the access track which alleviated the concerns of the Highway Authority to an acceptable degree.

7. The Council substantiated its reason for refusal in its statement of case. The highway safety case does not appear to be unequivocal. The position of the Highway Authority in no longer objecting to the proposed development appears to be based on the premise that acceptable passing places on the access track would be available.
8. It will be seen from my decision that I am not satisfied from the evidence presented that these passing places would be available to future occupiers of the proposed dwellings. Consequently, I have ultimately found harm to highway safety arising from the proposed development. The Council therefore acted reasonably in refusing the application, despite being contrary to the Highway Authority position.
9. The applicant refers to objectors being granted significant leeway in terms of speaking at the planning committee meeting. The Council highlights that its constitution allows any party wishing to speak the opportunity to do so. The Council states that the applicant and those who registered an interest were given five minutes to speak at the planning committee, which is in accordance with the constitution. I have no other evidence before me on this matter, whether from the applicant or the Council. However, in itself, allowing objectors to speak at a planning committee is no evidence of unreasonable behaviour.
10. For the above reasons, I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

F Wilkinson

INSPECTOR