



Costs Decision

Site visit made on 20 April 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2022

Costs application in relation to Appeal Ref: APP/M2325/W/21/3284557 197 Kirkham Road, Freckleton PR4 1HU

- 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 Darrell Brooks (Brooksland Limited) for a partial award of costs against Fylde Council.
 - The appeal was against the refusal of planning permission for the 'Replacement of approved single dwelling at plot 12 on planning permission 19/0552 with two dwellings, erection of two detached car ports associated with new dwellings, revisions to access and landscaping'.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has caused another party to incur unnecessary or wasted expense in the appeal process. The type of behaviour that can lead to a costs award includes substantive matters such as unreasonably refusing a planning application.
3. The appellant has sought an award of costs in relation to reason for refusal 3. This refusal states that an appropriate mechanism for the provision of affordable housing has not been provided. In particular, reference has been made to pre-application advice that stated that the appeal proposal would not be required to make additional provision.
4. This incorrect advice, which the Council accept was wrong has been unhelpful, but such pre-application advice is not binding. The Council have however set out that their Officer's Report was made available immediately following its decision which set out its rationale for seeking the contribution. Although I have found in the accompanying appeal decision that there is no specific provision for seeking affordable housing on the appeal development, the Council's Statement of Case has set out that it was based on the development plan in place at the time of the decision, the Fylde Local Plan to 2032.
5. They have therefore sufficiently differentiated the appeal development from previously consented schemes, and whilst I accept that previous planning decisions can be material considerations and it is important for there to be consistency in decision-making, I do not consider that this case to be like the previous ones referenced, given the differing policy context and because the

proposal relates to an increase in the number of dwellings on part of the site that was previously granted permission for 12 dwellings.

Conclusion

6. With the above in mind, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is therefore not justified in this instance.

F Rafiq

INSPECTOR