
Costs Decisions

Site visit made on 26 April 2022

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2022

Costs application in relation to Appeal Ref: APP/T2350/W/21/3283415 Blackhouse Farm, Hole House Lane, Slaidburn BB7 4TS

- 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 Messrs King and McEntyre for a full award of costs against Ribbles Valley Borough Council.
 - The appeal was against the refusal of planning permission for extension and conversion of existing outbuildings to create additional residential floorspace.
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Costs application in relation to Appeal Ref: APP/T2350/Y/21/3283417 Blackhouse Farm, Hole House Lane, Slaidburn BB7 4TS

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Messrs King and McEntyre for a full award of costs against Ribbles Valley Borough Council.
 - The appeal was against the refusal of listed building consent for extension and conversion of existing outbuildings to create additional residential floorspace.
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Decision

1. Both applications for an award of costs are refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that parties in planning appeal proceedings normally meet their own expenses. However, costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Behaviour may be either procedural or substantive.
3. The applicant considers that no opportunity was given by the Council to discuss or revise the applications, such that the Council has demonstrated unreasonable behaviour, with reference to paragraph 38 of the National Planning Policy Framework:
 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

4. Paragraph 49 of the PPG states that local planning authorities are at risk of an award of costs if, for example, it refuses to provide reasonably requested information when a more helpful approach would probably have resulted in the appeal being avoided altogether, or the issues being narrowed.
5. However, it is not unreasonable for the Council to cease discussions on proposals that it sees no realistic opportunity to amend. Indeed, in this case, the planning officer made it unequivocally clear in email correspondence prior to determination that the extent of concern was such that further negotiation would not be expedient.
6. It can be seen from my appeal decision that I agree with the Council's reasons for refusing both applications, namely, that the proposal would fail to preserve the special historic interest and setting of the grade II listed building and have an adverse effect on the Forest of Bowland Area of Outstanding Natural Beauty.
7. Therefore, I have found that the Council had reasonable concerns about the impact of the proposed development. The applicant had to address those concerns in any event. As a consequence, even if the applications had been delayed to facilitate further discussions or secure amendments, it is by no means certain that the appeal could have been avoided.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Patrick Hanna

INSPECTOR