



Costs Decision

Site visit made on 26 July 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 25 August 2022

Costs application in relation to Appeal Ref: APP/P2365/W/22/3296086 Ollery Hall Farmhouse, Plumpton Lane, Halsall, Ormskirk L39 8SL

- 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 Colin Jones for a full award of costs against West Lancashire Borough Council.
 - The appeal was against the grant subject to conditions of planning permission for the removal of condition No 4 of planning permission 2020/0446/FUL relating to the removal of permitted development rights.
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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. The PPG also states that local planning authorities are at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal or if they rely on vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
3. I found the evidence within the decision notice, and the Council's statement of case to adequately set out its reasons for altering the wording of the condition so that it was not a blanket removal of all permitted development rights. The statement of case also demonstrates that the Council has given consideration to the appeal decisions that the applicant put forward in support of his case.
4. Furthermore, the Council's original planning application report clearly explains why the proposal was not considered to be acceptable, taking account of the relevant policies of the West Lancashire Local Plan 2012-2027 Development Plan Document, 2013, and guidance within the National Planning Policy Framework and PPG. As such I am satisfied that the Council provided adequate evidence to substantiate in all respects its reasons for reaching its decision.
5. As a result of the factors above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified.

Mark Caine INSPECTOR