
Costs Decision

Site visit made on 23 November 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2023

**Costs application in relation to Appeal Ref: APP/D2320/W/22/3301270
Land off Halls Square, Town Lane, Whittle-Le-Woods, Chorley PR6 8AQ**

- 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 and Mrs Green for a full award of costs against Chorley Borough Council.
 - The appeal was against the refusal of planning permission for the erection of 2no. sheds following the demolition of 2no. existing sheds. Resubmission of LPA Ref 21/00706/FUL.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary and wasted expense in the appeal process.
3. The applicant's claim is that the Council prevented development which should have been permitted, failed to substantiate its reason for refusal, made inaccurate assertions regarding the proposal and failed to determine cases in a consistent manner.
4. Whilst the Council did not submit a Statement of Case for the appeal, a copy of the Officer Report was provided. From this, it is evident that the Council carried out a full assessment of the proposed development against paragraph 149 d) of the National Planning Policy Framework (the Framework). As I have, it also determined that the proposal would be materially larger than the buildings to be replaced.
5. The Council then went on to consider whether the proposal should be assessed against paragraph 149 b) of the Framework. It took into consideration an example provided by the applicant and identified reasons why this was not directly comparable. The Council also provided an example to support its claim that the proposal could not be considered an appropriate facility for outdoor recreation.
6. The Council then made an assessment as to the effect of the proposal on the openness of the Green Belt, clearly setting out their concerns in this regard.

The Officer Report refers to the domesticated nature of the appeal site along with other characteristics of the area, the site and its boundaries and views from the wider area. Whilst specific reference may not have been made to other nearby developments, whether authorised or not, the presence of such features is not relevant when assessing the effect of the proposal on the openness of the Green Belt.

7. All of the above led the Council to determine that the proposal was inappropriate development in the Green Belt. Although I have found otherwise, this is a matter of planning judgement and it is clear that the Council's assessment of the proposal was not vague or generalised, but rather it was supported with substantive reasons based on an assessment of the site, its surrounds, relevant policy and other examples.
8. There were clearly fundamental disagreements between the main parties relating to the merits of the proposal and as such, the appeal process was unavoidable.
9. Taking all the above into consideration, I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. A claim for costs is not therefore justified and accordingly it is refused.

H Ellison

INSPECTOR