
Costs Decision

Site visit made on 16 January 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2023

Costs application in relation to Appeal Ref: APP/C2708/W/22/3295490 Land at Springfield Crescent, High Bentham Easting (x) 367338 Northing (y) 469457

- 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 Laurie Lane (Concert Living Ltd) for a full award of costs against Craven District Council.
 - The appeal was against the failure of the Council to give notice within the prescribed period of a decision on an application for planning permission for the erection of 47no. residential dwellings and associated infrastructure.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, Planning Practice Guidance (PPG)¹ advises that 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.
3. The appeal against which the costs claim has been made involved the failure of the Council to give notice within the prescribed period of a decision on the application for planning permission. The claim is made both on procedural and substantive grounds.
4. The costs claim details that the appeal was launched 17 weeks after validation of the application when the target period for the application was 13 weeks.
5. The site does appear to have some complexities. Despite the claimant having been previously issued with pre-application advice and the fact that the site forms an allocation within the development plan, within the context of the proposal the period of time between week 13 and week 17 was not a substantial period of time. The claimant indicates that they were made aware of staffing issues during the determination period.
6. PPG² makes it clear that costs cannot be claimed for the period during the determination of the planning application. After the appeal was lodged the council provided grounds on which they would have refused the proposal had they determined it. Whilst I may not have agreed with all of these reasons,

¹ Paragraph: 030 Reference ID: 16-030-20140306

² Paragraph: 033 Reference ID: 16-033-20140306

they were backed up referencing development plan policy. There is no evidence within the claim of unreasonable behaviour by the Council at the appeal stage.

7. Concern is expressed about the Council's reasons for refusal, particularly with regard to number, mix and density of housing. However, the Council did not determine the application to which the appeal and costs claim relates, therefore there were no refusal reasons. The pre-application advice does appear to have touched upon some of the issues that later formed the putative reasons for refusal that were submitted as the Council's statement of case.
8. Many points of concern relate to a second similar application that was submitted at the same site and refused by the Council. This is a separate proposal and outside the scope of this cost's application.

Conclusion

9. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

T J Burnham

INSPECTOR