

Costs Decision

Site visit made on 7 March 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th May 2023

Costs application in relation to Appeal Ref: APP/U2370/W/22/3310413 Valiants Farm, Lancaster Road, Out Rawcliffe, Lancashire PR3 6BL

- 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 EA Wallace Limited for a full award of costs against Wyre Council.
 - The appeal was against the refusal of planning permission for demolition and replacement of existing storage and distribution building.
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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.
3. The applicant alleges that the Council have acted unreasonably in preventing development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. The applicant has also drawn my attention to 2 planning applications which they believe set a precedent for the development the subject of this appeal, indicating to me that they also deem that the Council have, unreasonably, determined similar cases in an inconsistent manner.
4. The Council state that the proposed development would be contrary to policies EP8 and SP4 of the Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (LP). I have concluded that the proposed development would conflict with the same policies within the LP, conflict with the development plan taken as a whole, and be inconsistent with advice within the National Planning Policy Framework. It follows that the Council have not prevented a development which, having regard to the development plan, national policy or material considerations, should clearly have been permitted.
5. I acknowledge that there were no objections to the development submitted by either neighbouring residents or the consultees as a result of the Council's consultation exercises. However, the absence of such objections does not render the Council's decision to refuse planning permission unjustified or their behaviour unreasonable.
6. The full details of the 2 planning applications referenced 20/00504/FUL and 21/00127/FUL are not before me, including any delegated or committee reports

outlining the Council's reasoning for those grants of planning permission. As a result, it is not possible to draw accurate comparisons between those schemes and that proposed in this appeal. Therefore, I cannot conclude that the Council have unreasonably been determining similar cases in an inconsistent manner.

7. The PPG advises that where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs for unreasonable refusal of an application. It can be seen from my appeal decision that these very circumstances apply in this case.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

H Jones

INSPECTOR