



Costs Decision

Site visit made on 9 May 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2023

Costs application in relation to Appeal Ref: APP/T2350/W/22/3313018 7 Accrington Road, Whalley, Lancashire BB7 9TD

- 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 Tony Stansfield for a full award of costs against Ribble Valley Borough Council.
 - The appeal was against the refusal of planning permission for demolition of existing nursery building and erection of three-storey retail/office building with ground-floor parking area without complying with conditions attached to planning permission Ref 3/2017/0633, dated 1 September 2017.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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. It adds that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter, for example, by preventing or delaying development which should clearly have been permitted.
4. Part of the appellant's claim is that the Council unreasonably refused the application on the ground that it considered that the amended proposal could not effectively be dealt with under section 73 (s73) of the Town and Country Planning Act 1990. The appellant considers that the Council instead should have advised the appellant that the application could not be validated until the correct application type was submitted.
5. The Town and Country Planning (Development Management Procedure) Order 2015, paragraph 7, sets out the general requirements for applications for planning permission. I have been presented with no compelling evidence which suggests that the submission did not meet these requirements. Accordingly, the Council had no basis upon which to declare the application as being invalid.
6. In any case, the Council did go on to determine the application and found harm as set out in their second reason for refusal. Therefore, although the Council considered that the application had been submitted incorrectly, it is of no consequence, and even if it were to constitute unreasonable behaviour, it did not delay or prevent development.

7. Furthermore, while in determining the appeal I have not agreed that the proposal does harm the character and appearance of Whalley Conservation Area, I nevertheless consider that it was not unreasonable for the Council to consider that it does. In respect of the second reason for refusal, a substantive and reasonable case based on relevant planning considerations was put forward by the Council to justify its decision.
8. Accordingly, there is no evidence to suggest that the Council unreasonably prevented or delayed the development.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, an award of costs is therefore not justified.

Elaine Moulton

INSPECTOR