



Costs Decision

Site visit made on 18 July 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2023

Costs application in relation to Appeal Ref: APP/F2360/W/23/3316769 Agricultural Barns on the West side of Newgate Lane, Whitestake, Preston PR4 4JU

- 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 Steve Fairclough for a full award of costs against South Ribble Borough Council.
 - The appeal was against the refusal of planning permission for the change of use from agricultural storage barns to non-agricultural storage (B8) including external alterations to walls.
-

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. The applicant's costs application and rebuttal to the Council's response are all made in writing and are not therefore repeated in detail here. Similarly, this costs decision is not the place to re-run the merits of the appeal which are set out in my decision.
4. The decision to refuse the planning application was made by the Council's Planning Committee, against Officer recommendation. In principle, there is nothing unreasonable about this approach as the Council is not duty bound to follow the advice of its professional officers. It is not uncommon for Planning Committee's to disagree and apply their own planning judgement, to reach a different view on the merits of a proposal.
5. I have been provided with a transcript of the committee meeting in which the proposed scheme was considered by members. The applicant raises concerns over the comments made by various members, namely in relation to their assessment of the proposals' effect on the Green Belt, living conditions of nearby residents and highway safety.
6. Despite the various inaccuracies within the transcript in parts, it nevertheless indicates a debate over the merits of the proposal took place during the meeting, during which views of the applicant, the planning officer and interested parties were heard.

7. Collectively, members clearly raised concerns regarding vehicles associated with the proposal, the condition of the highway, the interaction with various road users in the locality, the effect on nearby residents and the effect of the proposed storage use on the openness Green Belt. Concerns were also raised by members with regards to the enforceability of conditions as suggested by the planning officer.
8. All of this led to a refusal of planning permission. The reasons for refusal set out in the Council's decision notice are complete, precise, specific and relevant to the proposal. They include relevant policies of the development plan.
9. Furthermore, the Council's appeal statement further expanded the above concerns raised by the planning committee members. It fully evaluates the scheme and sets out reasoning for its concerns with respect of the reasons for refusal and the main issues.
10. Notwithstanding some comments made by individual members during the committee meeting, based on the evidence before me I am satisfied that the Council as a whole accurately analysed the proposals effect on the relevant main issues and fully substantiated its concerns, which was supported by evidence, including the experience of local residents. It did not misinterpret any local or national planning policies.
11. My attention has been drawn to developments which have been approved elsewhere and which, the applicant purports, are similar in nature to the appeal development and context. However, the evidence is limited in this respect and I cannot therefore accurately say that they demonstrate that the Council are not considering applications in a consistent manner.
12. Consequently, having regard to the evidence before me, I am satisfied that the Council: did not prevent development which should clearly be permitted; fully substantiated each reason for refusal; did not make vague, generalised or inaccurate assertions about the proposal's impact which are unsupported by an objective analysis; did not refuse planning permission on a planning ground capable of being dealt with by conditions; did not act contrary to well-established case law; and did not fail to determine similar cases in a consistent manner.
13. Accordingly, although I have found in favour with the applicant's appeal proposal, I consider that the Council did not act unreasonably and caused the applicant to incur wasted or unnecessary expense in the appeal process. Therefore, the application for a full or partial award of costs is refused.

H Ellison
INSPECTOR