



Costs Decision

Site visit made on 14 August 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

**Costs application in relation to Appeal Ref: APP/T2350/W/23/3316709
Dove Syke Nursery, Eaves Hall Lane, West Bradford, Clitheroe, Lancashire
BB7 3JG**

- 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 Mrs Monika Brown for a full award of costs against Ribble Valley Borough Council.
 - The appeal was against the refusal of planning permission for a proposed live/work unit in connection with the existing Christmas tree nursery and forest pre-school.
-

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 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 sets out that the Council's case relies on its Officer report, and this does not refer to the National Planning Policy Framework (the Framework). Furthermore, they assert that the Council has misapplied Policies DMB2, DMG2 and DMH3 of the Ribble Valley Borough Council Core Strategy 2008-2028: A Local Plan for Ribble Valley (2014) (CS). They state the Council has not justified why it has applied policies for new dwellings to a live-work unit. The applicant consider that the Council has failed to substantiate the reason for refusal. Furthermore, they state that the Council has refused planning permission on a planning ground capable of being dealt with by conditions.
4. The Council set out that the appeal statement did not contain anything specific that it needed to rebut or respond to, and the appeal statement simply presents an alternative position on the interpretation of policy. The Council assert the reliance on the delegated report in this case is not unreasonable or unusual behaviour; and indeed, many local authorities adopt this position due to the resource issues they are under.
5. The Council highlight that the Framework is listed in the 'Relevant Policies' section of the delegated report, and the Council's policies in the CS are consistent with the relevant sections of the Framework. Thus, the Council did not consider that the Framework contained anything specific or additional to the CS that it needed to specifically refer to in its assessment. They also set out the reasons local planning policies are relevant to the proposal, and the presence of national policy and guidance does not override the need to satisfy

local planning policy. The Council considered that the development cannot be made acceptable with conditions.

6. The application required an exercise of planning judgement. It was not unreasonable for the Council not to respond to the appeal statement as the Council considered their officer's report adequately assessed the proposal. Similarly, it was not unreasonable for the Council to focus on local planning policy rather than the Framework. As set out in my Appeal Decision, the policies considered by the Council were reasonable. The Council has not prevented or delayed development which should clearly be permitted, having regard to the development plan, national policy and any other material considerations. Furthermore, conditions would not enable the proposed development to go ahead. Therefore, the Council did not refuse planning permission on a planning ground capable of being dealt with by conditions.
7. In the absence of unreasonable behaviour there are no grounds for an award of costs and a full or partial award is unjustified. For the reasons set out above, the applicant has not shown that the Council's refusal of planning permission was unreasonable and that has directly caused the applicant to incur unnecessary or wasted expense in the appeal process. I conclude therefore, that the application for an award of costs should be refused.

L Wilson

INSPECTOR