



Costs Decision

Site visit made on 28 June 2023

by Zoë Franks Solicitor

an Inspector appointed by the Secretary of State

Decision date: 25 September 2023

Costs application in relation to Appeals A and B Ref:

APP/F2360/C/22/3302611 and APP/F2360/C/22/3302612

Penwortham Residential Park, Park Road, Stricklands Lane, Penwortham, PRESTON, PR1 9YD

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by South Ribble Borough Council for a partial award of costs against Wyldecrest Parks (Management) Ltd and Best Holdings Limited
 - The appeal was against an enforcement notice alleging material change of use to residential caravan park and operational development.
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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. The Council seeks costs on the basis that the weight of evidence submitted by the appellants (the respondents in this application) in support of the appeal under ground (d) is of such low significance as to be negligible and therefore had no realistic prospect of success. However, having considered the allegation in the notice and the evidence submitted I am satisfied that there was not a material change of use of the Land to residential caravan park and that the wider site had been used for many years as a single planning unit. It was therefore not unreasonable behaviour to pursue this ground of appeal.
4. Costs are also sought on the basis that the appellants failed to support their position under ground A as they had not fully set out their case having only submitted their Grounds of Appeal. However, subsequent to the costs application being made by the Council it became evident that there had been an error and that the Appellant's Statement of Case had not been properly submitted presumably unintentionally. However, this was allowed to be submitted late as part of the appellant's case with the Council being afforded an opportunity to provide comments on it. Taking this document into account, the appellants had adequately explained their position regarding the Ground (a) appeal and had not behaved unreasonably.
5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Zoë Franks INSPECTOR

