



Costs Decision

by Zoë Franks Solicitor

an Inspector appointed by the Secretary of State

Decision date: 26TH SEPTEMBER 2023

**Costs application in relation to Appeal Ref: APP/P2365/X/22/3306391
Bella Vista, Gorse Lane, Tarleton, PRESTON, PR4 6LH**

- 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 Marilyn Barron for a full award of costs against West Lancashire Borough Council.
 - The appeal was against the refusal of a lawful development certificate for a matter constituting a failure to comply with a condition.
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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 applicant argues that the Council has behaved unreasonably in refusing to grant the LDC on the basis of an incorrect interpretation of agriculture and behaving in an inconsistent way with regard to almost identical circumstances to another application approved in the past two years.
4. Whilst costs do not always follow the decision in the appeal, it is relevant in this case that I found that the Council's decision to refuse to grant the LDC was well-founded. The Council's behaviour was not unreasonable because the appellant had not provided sufficiently detailed information to make out their case on the balance of probabilities, and the Council are not bound by a previous LDC decision, which in any event turn on the specific facts of that case.
5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Zoë Franks

INSPECTOR