The Planning Inspectorate

Costs Decision

Site visit made on 14 September 2023

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2023

Costs application in relation to Appeal Ref: APP/U2370/D/23/3318869
Aloha, Skippool Road, Thornton Cleveleys, Lancashire FY5 5LD

- 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 Welsh for a full award of costs against Wyre Borough Council.
- The appeal was against the refusal of planning permission for roof lift and two storey front, side and rear extensions.

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. In this case, the applicant has asserted that the Council behaved unreasonably in a number of respects, including the length of time it took to make a decision on the application.

3. According to the applicant, from initial submission to decision took just under 31 weeks, so the target for making a decision was exceeded by a considerable period. Additional information on protected species and flood risk was required to assess the application, and whilst this was provided promptly by the applicant, the need to obtain the views of other consultees did slow the process down. The delay was unfortunate and no doubt frustrating for the applicant, but in following the procedures it needed to, I find no evidence that the Council's actions resulted in unnecessary delay, or that it behaved unreasonably in its determination of the application.

4. The appeal scheme was a resubmission of previously refused application 21/00310/FUL, and the applicant claims that the Council did not look at the amended scheme properly. I note that the Green Belt reason for refusal in both decisions has similar wording, but the planning officer's report describes the appeal proposal in some detail, and explains how it differs from the previously refused scheme. On the basis of the officer report, I am satisfied that the Council assessed the application properly, and that its decision was based on a good understanding of the proposal, the appeal site and the surrounding context.

5. The applicant disagrees with the Council's assertion that the proposed development would be 'tantamount to a replacement dwelling'. I share the applicant's view on this matter, for the reasons explained in the appeal

decision. However, this was a matter of planning judgement, and I can appreciate why the Council took the position it did, given the scale of the proposals. Disagreement on this matter does not, therefore, constitute unreasonable behaviour. In any case, I agree with the Council's finding that the appeal proposal would be inappropriate development in the Green Belt, albeit for different reasons, so disagreement on this matter did not result in an unnecessary appeal.

6. The applicants also disagree with the Council regarding the area at risk of flooding. The Council has identified that part of the site is within Flood Zone 3, a finding which is consistent with the submitted Flood Risk Assessment (FRA). Although the house itself is not within Flood Zone 3, the wider site is, and the Council acted properly in considering the matter of flood risk as part of its assessment of the application.

7. That said, the Council's Engineer advised that the submitted FRA and flood warning/evacuation plan were acceptable, a view which I agree with. Despite that, the Council refused the application on the basis that the submitted information was insufficient. However, even if I were to conclude that the Council had behaved unreasonably in refusing the application on flood risk grounds, the appeal would not have been avoided, as there were other reasons for refusal. Furthermore, no additional information on flood risk was provided at the appeal stage, so the specific costs involved with addressing this matter would have been small.

8. Finally, the appellant contends that the Council behaved unreasonably by refusing to meet with them to discuss amendments after the decision was made. However, it appears that the parties did meet to discuss the case in May 2023, and that a revised application was subsequently submitted and approved (ref 23/00508/FUL). Whilst the meeting may have taken longer to arrange than the applicants would have liked, the final outcome has been positive.

9. Overall, I conclude that unreasonable behaviour leading to unnecessary or wasted expense at the appeal stage has not been demonstrated. The application for costs is therefore refused.

R Morgan

INSPECTOR