The Planning Inspectorate

Costs Decision

Site visit made on 17 October 2023

by G C Bayliss BA MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 31st October 2023

Costs application in relation to Appeal Ref: APP/ T2350/W/23/3321409
94 Ribchester Road, Clayton-Le-Dale, Lancashire BB1 9HQ

- 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 Nick Skelton for a full award of costs against Ribble Valley Borough Council.
- The appeal was against the refusal of an application for all reserved matters following outline application 3/2022/0457 for the demolition of an existing outbuilding and erection of a detached dwelling house in the grounds of 94 Ribchester Road. Previously approved under 3/2018/1116.

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, 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 PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.

4. The appellant states that the Council has acted unreasonably as despite repeated emails requesting updates on the application, they did not engage with them before the decision was made. They were not made aware of concerns that would result in a refusal and the appellant considers that the issues could have easily been negotiated and revised plans would have been submitted to meet the concerns. The appellant therefore considers that the appeal was unnecessary and has incurred additional professional fees.

5. It is regrettable that the Council did not contact the appellant during the determination of the application to update them on progress and to discuss concerns. However, it is within their gift to refuse applications that are not policy compliant, where the issues are considered to be insurmountable, and where they consider that no reasonable amendments or conditions could have been imposed to make the development acceptable. Therefore, whilst it is disappointing that the Council did not engage with the appellant, I can understand that they need to focus time and resources on those applications

where minor amendments would be likely to make a development acceptable. The Council were not unreasonable in coming to that decision, and indeed following my consideration of the application on its merits alone, I have concurred with the findings of the Council. I note, however, that a revised scheme has been submitted to the Council and that some advice has been forthcoming from planning officers.

6. The appellant also considers that it was unreasonable for the Council to refuse the proposal as it had previously granted consent for the very same development on at least two occasions. However, I have little information before me to understand when these two occasions were or the details of what was approved to examine any similarities. I am aware that a planning approval for a dwelling on this site lapsed in 2021 and the Council suggests that this was substantially different in appearance and design. However, with no adequate details before me, I cannot draw any comparisons. The current outline consent establishes only the principle of development, and this has no bearing on assessing or approving the merits of the technical details put forward under this reserved matters application. Therefore, this allegation does not demonstrate that the Council's action was unreasonable.

7. The reasons for the refusal set out in the Council's decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the up-to-date Development Plan and guidance in the National Planning Policy Framework that the proposal would be in conflict with. These reasons have been adequately substantiated by the Council in its officer report and appeal statement. The officer report explains how the proposal would fail to integrate with the design, massing and detailing of surrounding buildings which would be of detriment to the character and appearance of the surrounding area.

8. Accordingly, whilst I appreciate that the outcome of the application will have been a disappointment to the appellant, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The appellant had to address those concerns in any event.

9. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

G Bayliss

INSPECTOR