



Costs Decision

Site visit made on 6 November 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2023

Costs application in relation to Appeal Ref: APP/T2350/W/23/3314691 Land to the South of B6478 adjoining Marl Barn, Slaidburn

- 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 J Lumb, WDF Estates Limited, for a full award of costs against Ribble Valley Borough Council.
 - The appeal was against the refusal of planning permission for the proposed erection of 4.no holiday lodges as detailed in the attached Planning Statement and Plans.
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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 sets out that as a result of pre-application advice they altered the proposal to address the Council's concerns and to comply with planning policy along with precedents set in other applications. They highlight frustrations with the Council including that they received minimal contact during the application process. The applicant's submission also sets out the planning agent's costs.
4. The Council assert that the proposal conflicts with the development plan. They highlight that the officer's conduct or behaviour is not a matter for consideration within a costs application, and should the applicant feel aggrieved in respect of officer communications, this matter should be raised with the authority through the formal complaints procedure. The Council confirm that the quoted appeal decision did not alter their views, and it is not unreasonable to advise the applicant that they could appeal the decision.
5. The pre-application response stated that a small-scale development of less than five buildings may be acceptable, but that was subject to further information, a suitable design and the proposal must not have a harmful impact on the landscape. It also set out that it represents officer opinion only, at the time of writing, without prejudice to the final determination of any application submitted. The planning application did not overcome concerns provided in the pre-application response.
6. My Appeal Decision sets out the conflict with planning policy and that the other applications and appeal are not comparable and do not set a precedent. Whilst I understand the frustrations of the applicant, I am not convinced that additional dialogue would have resulted in a different outcome.

7. The officer's report and reasons for refusal were clear and sufficient evidence was submitted to support the Council's stance. The application required an exercise of planning judgement, and the Council did not apply its judgement in an unreasonable manner. Consequently, I do not consider that the Council has prevented development that should clearly have been permitted, having regard to its accordance with the development plan, national policy and other material considerations.
8. 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