



Costs Decision

Site visit made on 25 March 2024

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2024

**Costs application in relation to Appeal Ref: APP/R2330/W/23/3332911
Bold Bark Doggy Day Care, Higher Bold Venture Farm, Haslingden Old
Road, Oswaldtwistle, Lancashire BB5 3RP**

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr William Holden for a partial award of costs against Hyndburn Borough Council.
 - The appeal was against the refusal of planning permission for a portal frame building for exercising of dogs.
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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 the Council has refused the application based on inaccurate assumptions and Natural England's (NE) comments. They highlight that no physical evidence has been provided to show that NE did confirm that they did not wish to change its original response. The applicant states that they have had to incur the expense of the appeal over this reason for refusal which should have been avoided.
4. The Council assert that the additional information was emailed to NE, and NE were of the view that the information did not overcome their concerns. They highlight that it is not within the officers' remit to overturn the objections from the statutory consultees. The Council state that the reasons for refusal of the application were fully reasoned and cited the relevant development plan policies.
5. The Officer's report clearly demonstrates that the Council considered the additional information when making its decision. It was not unreasonable for the Council to take into account NE's and the Council's ecologist's consultation responses in making its decision, and the Council are not duty bound by these responses. Whilst it would have been beneficial for NE to comment on the additional information, a judgement could still be made without further comments. The reason for refusal relating to the West Pennine Moors Site of Specific Scientific Interest was not made on vague, generalised, or inaccurate assertions about the proposal's impact. The officer's report and statement of case were clear to support and substantiate the Council's stance.

6. For the reasons set out above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, the application for an award of costs is refused.

L Wilson

INSPECTOR