



Costs Decision

Site visit made on 24 April 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 June 2024

Costs application in relation to Appeal Ref: APP/B2355/W/23/3329803 Wesley Old Hall, Burnley Road, Healdtown, Weir, Bacup OL13 8RA

- 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 Rossendale Borough Council for a full award of costs against Ms R Moores.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for an agricultural building (consequent to the demolition of a wooden storage building).
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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 Council's case, in essence, is that the appellant has erred procedurally by submitting an incorrect planning application fee and has therefore pursued an appeal that had no reasonable prospect of success.
4. As set out in the Appeal Decision I have found that the submitted fee was calculated against the correct fee category and that the planning application should have been validated and determined by the Council.
5. Having gone through the validation dispute process and receiving a Non-Validation Notice under Article 12 of the DMPO¹, the only option available to the appellant to challenge the Council stance on the application fee was the lodging of an appeal. Accordingly, I cannot agree that the appellant has acted unreasonably by doing so.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Elaine Moulton

INSPECTOR

¹ Town and Country Planning (Development Management Procedure) (England) Order 2015