



Costs Decision

Site visit made on 26 July 2024

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 5 August 2024

Costs application in relation to APP/P2365/D/24/3341797

4 Cut Lane, Aughton, Lancashire L39 8RD

- 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 Geoff Scott against the decision of West Lancashire Borough Council.
 - The appeal was against the refusal of planning permission for what is described as 'a single storey rear extension. The submission is identical to that refused earlier by the Council reference 2023/0432/FUL'.
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Decision

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

Reasons

2. The Planning Practice Guidance 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 appellant considers that the Council has acted unreasonably in '*not accepting that the proposal constitutes appropriate development in the Green Belt. On the basis that the building to be removed is significantly larger than the extension proposed*'.
4. The local planning authority (LPA), in its officer report, states that '*while the plans highlight the demolition of one of the two existing outbuildings to contribute to the trimming of the cumulative volume, the large outbuilding that will not be demolished still represents 86% cumulative volume, which is considerably above the 40% threshold set out in the WLLP and supportive documents. There is no evidence to suggest that the outbuildings should be considered "the original dwelling"*'. I have no reason to disagree with the LPA in this matter.
5. I have concluded that while the demolition of the outbuilding would lead to a reduction in built form in the Green Belt, when the visual effects of the proposed development are also taken into account, there would nonetheless be a limited adverse impact upon openness.
6. I have also concluded in the appeal decision letter that the demolition of the outbuilding, not itself being an extension, cannot justify an extension to the host property in the terms allowed under paragraph 154c of the Framework,

and that the proposed development, being disproportionate to the host building, would be inappropriate development in the Green Belt.

7. For the above reasons, I conclude that the applicant has not been put to wasted time and expense in pursuing the appeal. Therefore, an award of costs is not justified.

S. Hartley

INSPECTOR