



Costs Decision

Site visit made on 23 October 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2024

Costs application in relation to Appeal Ref: APP/F2360/W/24/3342311 Land at Oswald House Gill Lane, Longton, Preston PR4 4SS

- 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 Jonathan Kay for a full award of costs against South Ribble Borough Council.
 - The appeal was against the refusal to grant permission in principle for the erection of up to two dwellings and associated development.
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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 PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Examples include preventing development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; acting contrary to, or not following well established case law; and not determining similar cases in a consistent manner.
4. The applicant states that the Council has acted unreasonably in relation to its consistency of decision making. Specifically, in determining that the appeal site is not located in a village for the purposes of exception e) of paragraph 154 of the National Planning Policy Framework (the Framework) and Policy G1 of the Local Plan¹, the Council has reached a contrary view to that taken in relation to a nearby site at Whitegate Farm Nurseries², where outline planning permission for a dwelling was granted in August 2022, having concluded that the same exception criteria had been met.
5. I appreciate the frustration of the applicant in these circumstances, and I understand the need for consistency in decision-making. However, it will be seen from my Decision that the Council's conclusions regarding the Green Belt on the application which was the subject of this appeal were similar to my own. It follows that the Council has not behaved unreasonably in this appeal.

¹ South Ribble Borough Council Local Plan (Adopted July 2015)

² 07/2021/00949/OUT

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

S Brook

INSPECTOR