



Costs Decision

Site visit made on 19 November 2024

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2024

Costs application in relation to Appeal Ref: APP/U2370/W/24/3349578 Normoss Farm, 40A Normoss Road, Normoss FY3 0AL

- 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 Walbury Commercial Ltd for a partial award of costs against Wyre Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for the redevelopment of the site to deliver 21 no. homes.
-

Decision

1. The application for a partial 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 alleges that in failing to engage in preparing a Statement of Common Ground (SOCG), a draft of which was sent to them before submission of the appeal, the Council has caused the applicant to incur unnecessary and wasted expense.
4. The applicant's Appeal Form requested that the appeal follow the written representations procedure. The Procedural Guide: Planning appeals – England clearly states that for an appeal where the appellant wants to proceed by a hearing or an inquiry the appellant must provide a draft SOCG when making their appeal.
5. It does not require the same for appeals such as this one, carried out by the written representations procedure.
6. The Document Management page of the applicant's Statement of Case makes plain that their appeal had been in preparation for some 4 months before submitting it. Why then the matter of collaborating with the Council on, or even needing an SOCG was left until the week before submitting the appeal is unclear, particularly as it was the applicant who requested the appeal be determined by written representations where the Procedural Guide does not require an SOCG.
7. Combined with the very late submission of evidence throughout the appeal, it seems to me that any fault in terms of incurring unnecessary or wasted expense in this matter lies with the applicant, not the Council.

8. To me, the evidence is clear that the Council did not, for understandable reasons, and in spite of the suggestion in the Procedural Guide, wish to deploy resources on any SOCG in advance of an appeal being submitted. The 30 July email from the Council Officer is consistent with this.
9. The PPG does note the failure to agree an SOCG in a timely manner as a type of behaviour which may give rise to a procedural award of costs against a local planning authority. However, there is nothing within the PPG, nor indeed would one reasonably expect, for this to apply to appeals such as this one where there is no requirement for an SOCG.
10. Therefore, unreasonable behaviour on the part of the Council has not occurred.
11. As a result, there has been no unnecessary or wasted expense and an award of costs is not warranted.
12. The application should therefore be refused.

S Dean

INSPECTOR