
Costs Decision

Hearing held on 10 October 2024

Site visit made on 10 October 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Costs application in relation to Appeal Ref: APP/Q2371/W/24/3345930

- 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 Chris Threlfall for a full award of costs against Lancashire County Council.
- The appeal was against the refusal of planning permission for raise levels of field.

Ream Hills Farm, Mythrop Road, Weeton With Preese PR4 3NB

Decision

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

The submissions for Mr Chris Threlfall

2. The costs application was submitted in writing.
3. A further rebuttal to the Council's response to the application for costs was made orally at the hearing. In summary, the appellant's rebuttal set out that the Council's position had changed since submission of its appeal statement of case. Additional work was also necessary as both parts a) and d) of Policy GD4 of the Fylde Local Plan to 2032 (the Local Plan) had to be addressed through the appeal.
4. In respect of landscaping matters, it was reaffirmed that the appellant had engaged a landscape consultant that had prepared a site-specific assessment, whereas no landscape or visual assessment was undertaken by qualified professionals on behalf of the Council. The agreed positions on the landscape context between main parties were also again raised.

The response by Lancashire County Council

5. The response was made orally at the hearing.
6. In summary, the Council denied that it delayed or prevented development which should clearly be permitted, having regard to its accordance with the development plan, national policy, and any other material considerations. Even if the Council's interpretation of 'need' associated with Local Plan Policy GD4 is incorrect, it does not follow that the Council has behaved unreasonably. The Council approached its decision logically with policy interpretations in mind, particularly in connection with supporting appropriate development in the countryside.
7. The appellant's claims that Fylde Borough Council, as author of the Local Plan, is best placed to understand how its policies are to be read and interpreted has not been suitably substantiated. Notably, the representation from Fylde Borough

Council does not interpret or even address which policies might be relevant to the proposal. As such, it cannot be extrapolated that the Council ignored the views of the Borough Council or acted unreasonably.

8. In respect of landscape impacts, the Council claimed to have looked in detail at the proposal and analysed it in terms of the previous appeal decision for the bund¹. It had distinguished the current circumstances from that of the former appeal decision, which formed important considerations in its conclusion. Therefore, it cannot be considered that the Council had made vague or generalised assertions about the likely effects of the development on the character of the area. Additionally, there is a large degree of subjectivity to this matter.

Reasons

9. 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.
10. Examining the landscape matters first, it will be seen from my appeal decision that I do not agree with the Council that the proposal would cause harm to the character and appearance of the area. However, this is a subjective issue. The Council's views have not been informed by a landscape and visual assessment prepared by a professional in this field. Nonetheless, this does not mean that a reasonable judgement of the likely effects of the proposal on the character and appearance of the area cannot be made. Despite, not agreeing with the Council's findings on this matter, it has nevertheless appropriately set out logical reasons why it considers the proposal to be harmful and linked this to relevant Local Plan policies. The Council has also clearly considered the previous appeal decision in respect of the bund and set out contextual differences to justify its views on the current proposal. On this matter, I therefore find that the Council has suitably substantiated its position.
11. It is clear from the wording of Local Plan Policy GD4 that only one of its listed exceptions criteria must be satisfied for development to be permissible. Still, the policy is nuanced and more than one of the criteria may be relevant for the appeal scheme to be considered against. Indeed, the Council has not stated that both criteria a) and d) of Policy GD4 must be met, rather it has considered the proposal against (and deemed it to fail) both criteria. This was set out at paragraph 8.2 of its appeal statement of case and also clarified by the Council again at the hearing. I find, in principle, that there is nothing inherently wrong with such an approach, nor that the Council has changed its approach during the appeal process.
12. Irrespective of whether a need for the proposal is required to be demonstrated under criteria a) of Policy GD4, the Council was not unreasonable in finding the appeal proposal did not comply with the policy as a whole. This is because Criteria a) also requires the development to be sensitive to its surroundings, while as detailed above the Council was not unreasonable in reaching a view that the proposal would cause harm to the character and appearance of the area. Meanwhile, I am content that the Council has also provided legitimate reasons why it deemed the proposed development would not be considered permissible under criteria d) of Policy GD4. An appeal would therefore have been necessary in any

¹ Allowed under appeal reference APP/Q2371/W/15/3064083

case and the precise requirements of Local Plan Policy GD4 would need to have been examined.

13. In determining the application, the Council is also not obligated to follow the advice of Fylde Borough Council. The Borough Council's consultation response did not examine relevant policies of the Local Plan in any detail to substantiate why it did not object to the proposed development. It has therefore not been demonstrated that Fylde Borough Council was the most suitable party to interpret the Local Plan policies in this case, or that the Council was unreasonable in taking an alternative view. The appellant's anecdotal evidence of conversations with a senior officer from Fylde Borough Council does not alter my opinion on this matter.
14. Bringing the above together, unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated. Accordingly, an award of costs is not warranted.

Lewis Condé

INSPECTOR