



Costs Decision

Site visit made on 17 April 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 April 2025

Costs application in relation to Appeal Ref: APP/E2340/W/24/3358225

Sandy Lane Business Centre Sandy Lane, Barrowford, Nelson BB9 8NY

- 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 Premier Vue for a full award of costs against Pendle Borough Council.
- The appeal was against the refusal of the Council to grant planning permission for the demolition of existing mill building and erection of 2.5 storey apartment building to accommodate 6 apartments and associated site works.

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 provides examples of unreasonable behaviour by local planning authorities. This includes procedural matters, such as providing information that is shown to be manifestly untrue, or substantive matters, such as preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan. This application for costs relates to the decision of the Planning Committee to make a decision which was contrary to a Planning Officer recommendation.
4. A Planning Committee is permitted to make a determination of a planning application against the recommendation of a Planning Officer. This decision must be made in accordance with the development plan. In the main issue before me in this appeal, this was a matter of planning judgement. Whilst all parties may not agree on the outcome of the planning application, I consider that the Council, through the decision of the Planning Committee, has considered the application based on the evidence before it, through following the development plan and any material considerations. The evidence does not lead me to conclude that the Council has acted unreasonably.
5. To conclude, I am not persuaded that the local authority acted unreasonably in their decision to refuse the application. As such, unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs on this issue is not justified. For this reason and taking into account all other matters raised, the application for costs is refused.

J Smith

INSPECTOR