
Costs Decision

Site visit made on 19 February 2025

by **D Boffin BSc (Hons), DipTP, MRTPI, DipBldg Cons (RICS), IHBC**

an Inspector appointed by the Secretary of State

Decision date: 1st May 2025

Costs application in relation to Appeal Ref: APP/D2320/X/24/3344382 Land off Washington Lane, Euxton PR7 6SF

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr David Wood and Mrs Pauline Wood for a full award of costs against Chorley Borough Council.
 - The appeal was against the refusal of a certificate of lawful use or development (LDC) for use of the building for recreational residential purposes and storage of residential equipment.
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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 advises that an award of costs against a local planning authority may be procedural, relating to the appeal process, or substantive, relating to the substance of the matter under appeal. It makes it clear that a local planning authority is required to behave reasonably in relation to both of these elements and provides examples of unreasonable behaviour for both¹.
4. The applicants have provided no evidence on the costs application form with regards to whether they are seeking a full or partial costs award. Furthermore, there is no evidence on that form relating to the unreasonable behaviour which they consider has caused them unnecessary or wasted expense and/or example/s of their unnecessary or wasted expense in the appeal. As such, I have taken that the costs application is for a full award on the basis that the appeal was not required as the LDC application should have been approved.
5. In a LDC application, the onus is on the applicants to make out their case to the standard of the balance of probabilities, the burden of proof in such an application is firmly on the applicants. The applicants are best placed to understand what evidence they have available to them to substantiate their case and they are responsible for providing sufficient information to support an application. There is no duty on the respondent to explain what evidence might have been satisfactory nor is there an obligation on the respondent to provide evidence of a contradictory

¹ Paragraph: 047 Reference ID: 16-047-20140306 and Paragraph: 049 Reference ID: 16-049-20140306

nature. I acknowledge that the Council did not undertake a site visit prior to the determination of the LDC application. Nevertheless, each case has to be determined on the basis of the specific evidence submitted with it.

6. As can be seen from my substantive decision, I have agreed with the respondent, as I have found that it has not been shown with sufficient precision and unambiguity that the building has been used continuously for ten years or more without significant interruption for recreational residential purposes and storage of residential equipment. Consequently, I do not consider that the Council were unreasonable to refuse the LDC application.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D Boffin

INSPECTOR