
Costs Decision

Site visit made on 22 April 2025

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th May 2025

Costs application in relation to Appeal Ref: APP/P2365/W/24/3352316

Tawdside Farm, 38 Deans Lane, Lathom, ORMSKIRK L40 4BL

- 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 West Lancashire Borough Council for a full award of costs against Mr A Cowburn.
 - The appeal was against the refusal of planning permission for conversion of agricultural barns (Barn A and Barn B) into 3 residential dwellings with associated vehicular parking and garden areas.
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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 sets out that an appellant is at risk of an award of costs if they behave unreasonably in regard to procedural matters with respect to completing the appeal process, or if the appeal or ground of appeal had no reasonable prospect of succeeding.
4. The applicant's grounds for the cost claim are substantive, specifically that the appeal follows recent planning applications in respect of the same, or very similar, development on the site, which were refused, and circumstances have not materially changed in the intervening period. This caused the applicant to incur unnecessary or wasted expense in defending the appeal, which constitutes unreasonable behaviour.
5. It is noted that the appellant had submitted previous planning applications for comparable development proposals, which were refused on similar grounds as the appeal case. As such, the appellant will have been aware of both the policy and information requirements. The PPG states that a substantive award may be made when the appeal follows a recent appeal decision in respect of very similar development on the site, rather than a recent planning application.
6. The evidence does not show that the appellant had previously exercised their right of appeal in relation to these developments at the site. The costs regime is not intended to dissuade appellants from exercising their right of appeal to test matters of planning judgement, rather it seeks to address unreasonable behaviour. On the evidence before me, the appellant prepared a plausible case albeit it with

supplementary information, to support their proposed development. On that basis, it is not shown that the appellant had no reasonable prospect of succeeding and it was reasonable in the circumstances to seek to test the Council's planning judgement at appeal.

Conclusion

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is not warranted.

N Kempton

INSPECTOR