



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 Mr A Cowburn for a full award of costs against West Lancashire Borough Council.
 - 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 a local planning authority is at risk of an award of costs if it behaves unreasonably with respect to the substance of the matter under appeal, for example, by preventing development which should clearly be permitted, by failing to produce evidence to substantiate each reason for refusal on appeal, or by making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant's grounds are that the Council did not deal with the planning application in a timely manner and failed to engage proactively with the applicant. This caused them to incur unnecessary or wasted expense in pursuing the appeal, which constitutes unreasonable behaviour.
5. The timeframes between the Council's validation and determination of the planning application, as cited in the applicant's application for costs, are noted, as is the Council's refusal to grant an extension of time to allow the applicant to provide additional information. However, the applicant had submitted previous planning applications for comparable development proposals, which were refused on similar grounds as the appeal case. As such, the applicant would have been aware of both the policy and information requirements. Notwithstanding this, an up-to date ecological report was not forthcoming, rather the survey data submitted with the planning application was considerably out of date. Furthermore, the applicant chose not to exercise their right of appeal against non-determination.

6. I appreciate that the outcome of the application will have been a disappointment to the applicant. However, the applicant's evidence details incidents of timeliness relating to previous applications, rather than costs incurred in the appeal process in this case.
7. Ultimately, it is not shown that had the Council made their determination in this case more swiftly, or behaved otherwise, that it would have led to a different outcome. It will be seen from my decision that I found that the Council has sound reasons to refuse the planning application. Neither is it shown that they were obliged to provide the applicant with an opportunity to submit additional information at the planning application stage.
8. The Council has not therefore behaved unreasonably with respect to the substance of the matter under appeal. It follows that the applicant has not wasted expense in testing that judgement at appeal.

Conclusion

9. 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