
Costs Decision

Site visit made on 7 August 2025

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Costs application in relation to Appeal Ref: APP/E2340/W/25/3366520

28 Avon Drive, Barnoldswick, Lancashire BB18 6ET

- 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 Murtaza Ahmed Hussain for a full award of costs against Pendle Borough Council.
 - The appeal was against the refusal of planning permission for change of use from private dwelling (Class C3) to children's home for a maximum of one child with carer accommodation (Class C2).
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. Unreasonable behaviour can be procedural or substantive.
3. The applicant contends that the Council has acted unreasonably by not determining the application within the statutory timeframe, failing to notify them of the planning committee meeting, and the merits of the reasons for refusal. The Council contends that it has not acted unreasonably.

Planning Committee Notification and Determination Period

4. My attention has not been drawn to any protocols that cover planning committee procedures, but the Council states that there is no commitment to inform about applications going to committee and that applicants are informed from the outset that they are able to track the progress of their application online. The Council identifies that representatives of the applicant were present at the planning committee meeting and made representations. On this basis I do not see any grounds for concluding that the Council has acted unreasonably.
5. I appreciate the applicant's frustration about the length of time taken for the Council to determine the planning application. However, the PPG states that awards of costs cannot extend to compensation for indirect losses, such as those which may result from alleged delay in obtaining planning permission.

Reasons for Refusal

6. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on

- appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
7. The planning committee is not duty bound to follow the advice of its officers or consultees as long as its contrary decision is made on planning grounds and clear evidence is provided to substantiate that reasoning.
 8. In this case, the Highway Authority concluded that the degree of on-site parking proposed was acceptable and that the proposal would not generate significant vehicle movements over those expected from a domestic dwelling. Little evidence was put forward by the Council to support the first reason for refusal that any additional on-street parking generated by the proposal would be harmful to highway safety other than by means of a vague assertion about restrictions in road width, parking on the footway and obstruction of visibility from driveways.
 9. In respect of the second refusal reason the Council has not demonstrated with any clear evidence how the proposal would create a safety issue in the local community, either real or perceived.
 10. In the planning judgement, it appears to me that having regard to the provisions of the development plan, national planning policy and other relevant considerations, the development proposed should reasonably have been permitted. The refusal of planning permission therefore constitutes unreasonable behaviour, and the appellant has been faced with the unnecessary expense of lodging the appeal.
 11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that an award of costs is justified.

Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Pendle Borough Council shall pay to Murtaza Ahmed Hussain, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
13. The applicant is now invited to submit to Pendle Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

F Wilkinson

INSPECTOR