



Costs Decision

Site visit made on 2 July 2025

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Costs application in relation to Appeal Ref: APP/D2320/W/25/3362388

Land north of Lydiate Farm Cottage, Lydiate Lane, Ulnes Walton, Lancashire

Grid Reference Easting: 351828, Northing: 418677

- 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 Mark Elston for a full award of costs against Chorley Borough Council.
 - The appeal was against the refusal of permission in principle for Erection of up to five dwellings.
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Decision

1. The application for a full 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 states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. In this case, the Appellant contends that the Council has acted unreasonably by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, and by failing to produce evidence to substantiate each reason for refusal.
4. The appeal proposal was refused contrary to Officer recommendation. The Council's Planning Committee are not bound to accept this recommendation. While the appellant is critical of the Council's verbal reasoning for this decision, I have not been provided with the Minutes of the meeting itself. The Council's Decision Notice sets out clearly that the proposed development was not considered to meet any of the exceptions of paragraph 154 of the National Planning Policy Framework (the Framework), or the terms of paragraph 155. While no detailed reasoning is included for these conclusions, it is not unusual for refusal reasons on a decision notice to be succinctly written.
5. The Council has provided a Statement of Case (SoC) which considers both paragraphs 154 and 155 of the Framework, albeit I appreciate that the appellant's case related to paragraph 155 only. While short, paragraph 25 of the Council's SoC sets out the Council's reasoning as to why it did not consider the appeal site to comprise grey belt land and therefore meet the terms of paragraph 155. As such, I cannot agree with the appellant that the Council has provided no justification to support its reason for refusal.

6. Whether a proposal meets the requirements of paragraph 155 of the Framework, requires regard to be had to a number of considerations as set out within PPG. The PPG recognises that deciding whether a site comprises grey belt land requires the application of planning judgement. Having considered the Council's SoC, it appears to me that the Council has had regard to the PPG, given the references made to the extent of development of the site itself, its level of containment, and its relation to surrounding built form and large built-up areas. As such, the Council has not ignored or chosen not to respond to this guidance. Rather it has reached a contrary planning judgement to that held by the appellant. While I have found the appeal proposal to be acceptable, the Council's reasoning for reaching a contrary view does not lack meaningful justification.
7. As such, the Council has not prevented or delayed development which should clearly have been permitted or failed to produce evidence to substantiate its reason for refusal.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

S Brook

INSPECTOR