



Costs Decision

Site visit made on 9 September 2025

by **J M Tweddle BSc(Hons) MSc(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 December 2025

Costs application in relation to Appeal Ref: APP/A2335/Y/25/3362065 East Lodge, Aldcliffe Road, Lancaster LA1 5AP

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Michael Stainton of MH Stainton Ltd for a full award of costs against Lancaster City Council.
 - The appeal was against the refusal of listed building consent for the installation of a gate and control panel, renovation/repair of wall/fence and minor realignment of pedestrian/cycle path.
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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 applicant considers that the Local Planning Authority (LPA) has behaved unreasonably because it refused listed building consent having regard to planning matters rather than listed building criteria, resulting in an unnecessary appeal and wasted cost.
4. In its sole reason for the refusal of listed building consent the LPA state that *“the proposed gates and pedestrian/cycle path have no formal planning consent for the development, therefore the proposed works and their associated harm to the Grade II Listed Building and Non-Designated Heritage Asset, are not clearly and convincingly justified”*.
5. However, a grant of listed building consent is not reliant on a grant of planning permission. Therefore, it was not correct for the LPA to suggest so in its reason for refusal. Furthermore, the statutory framework¹ for the listed building consent regime does not cover Non-Designated Heritage Assets, and so this should not have been included as part of the reason for refusal. Essentially, while the planning merits of a proposal could amount to public benefits to weigh against any heritage harm, planning harms are of no consequence to an application for listed building consent. Therefore, the LPA’s assessment and subsequent refusal of listed building consent should have solely focused on the effects of the proposed works on the designated heritage asset and having regard to relevant statutory duty².

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

² Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

6. Nevertheless, within its reason for refusal the LPA did cite harm to the listed building and made reference to relevant development plan policies with which the proposal failed to comply, and which were a material consideration. In addition, its Committee Report for the proposal, along with the Committee Report for the accompanying planning application, expand upon its reason for refusal and set out its concerns in relation to harm to the Listed Building.
7. While the LPA's reason for refusing listed building consent was poorly worded, it can be seen from my decision that I too have found the proposal to be unacceptable. I am therefore satisfied that the LPA has been able to substantiate its reason for refusal at appeal. Therefore, there was sufficient grounds for it to withhold its consent, and so the appeal could not have been avoided.
8. The LPA's assessment and ultimate reason for refusal in this case was poor and lacked the level of proficiency that should be expected. However, for the reasons I have set out above, this does not, in my judgement, fall into the realm of unacceptable behaviour. Consequently, there can be no question that the appellant incurred unnecessary or wasted expense.

Conclusion

9. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated, and therefore an award of costs is not warranted.

J M Tweddle

INSPECTOR