



Costs Decision

Site visit made on 12 January 2026

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2026

Costs application in relation to Appeal Ref: APP/P2365/W/25/3374875

The Slipway, 48 Crabtree Lane, Burscough, Lancashire L40 0RN

- 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 Holt Pub Co for a full award of costs against West Lancashire Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for part demolition and change of use from storage facility to 2 No. Holiday Studios with ancillary courtyard. Alternative to application ref: 2023/0349/FUL (part retrospective).
-

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 application for costs is made against the Council's failure to determine the planning application within the prescribed period. The applicant states that the planning application was validated on 10th April 2025 and no decision had been made by October 2025, when the appeal against non-determination was submitted.
4. The applicant asserts that the Council had sufficient information before them to make a positive decision, and that attempts were made to hold dialogue with the case officer. However, it is claimed that no information was received from the Council as to why the application was not heard at the July planning committee and the applicant states that the Council's failure to determine the application runs contrary to the expectations for positive engagement as laid out within the National Planning Policy Framework.
5. The applicant also claims that because Council officers were satisfied with the scheme, but failed to make a decision, unnecessary costs and delays have been occurred as a result of making the appeal.
6. I acknowledge there was a delay in the Council determining this application at a Planning Committee. The Council has however explained that this was largely because of a change in case officer and a need for multiple proposals at the appeal site to be considered at the same time. As such, and under these circumstances, I find that the delay in determining the planning application does not represent unreasonable behaviour.

7. Whilst I note the applicant's comments that they made attempts to hold dialogue with the case officer, I have limited substantive evidence before me by way of records of phone calls or sent emails to demonstrate what the applicant's attempts were to contact the Council and when they took place. In the absence of this information, I cannot conclude that better communication with the applicant would have enabled the appeal to be avoided altogether.
8. Furthermore, the submission from the Council details how the newly assigned case officer provided an update to the applicant in September, advising that the application was expected to be reported to the November Planning Committee. This has not been disputed by the applicant and this update from the case officer would have been provided before the appeal against non-determination was submitted.
9. Based on this information from the Council, it would therefore appear that the applicant had an opportunity to have this application determined at Planning Committee in November. Instead, they decided to appeal against non-determination, which is their right. In deciding to take that approach however they would have been aware of the costs and delays associated with such an appeal.
10. I also note that the applicant has commented that the Council were unwilling to validate an application for the proposal to be dealt with as a minor amendment to the original planning permission under section 73 of the Town and Country Planning Act 1990 (as amended). However, there is very limited evidence before me in respect of this matter.
11. In view of all the above, I am satisfied that the Council has not behaved unreasonably.

Conclusion

12. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Major

INSPECTOR