



Costs Decision

Site visit made on 26 February 2026

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2026

Costs application in relation to Appeal Refs: APP/E2340/C/25/3368910 & 3368911 Land to the east of Pendle House, Barley Lane, Barley BB9 6LG

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Deborah and Mr Daniel Harper for an award of costs against Pendle Borough Council.
 - The appeal was against an enforcement notice alleging the erection of a single storey structure on agricultural land.
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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 single storey structure was the subject of an enforcement investigation by the Council. Whilst the Council had engaged with the Appellants on this matter and had acknowledged their commitment to engage a consultant to act on their behalf, there is no requirement for the Council to forewarn a landowner of the impending issue of an enforcement notice. Council Officers clearly considered the case on 10 June 2025 and decided that discussions with a consultant would be in vain, that submission of a retrospective planning application would be unsuccessful, and that issue of a notice was inevitable. The Council therefore acted swiftly and issued the notice the following day. This will have caused the Appellants some consternation but did not constitute unreasonable behaviour. The application for an award of costs thus fails.

John Braithwaite

Inspector