



Costs Decision

Hearing held on 17 March 2026

Site visit made on 17 March 2026

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 April 2026

Costs application in relation to Appeal Ref: APP/P2365/W/25/3375574

Mea, 65 The Marshes Lane, Mere Brow, Tarleton, Lancashire PR4 6JR

- 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 Mrs Mary Ashcroft for a full award of costs against West Lancashire Borough Council.
 - The appeal was made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
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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.
3. As outlined in my accompanying appeal decision, the Council's case at application stage relied substantially on internal advice from its Estates & Valuation Team. This was provided in the form of an email of 30 June 2025, and an accompanying schedule of sales/asking prices, to dispute the applicant's valuation evidence. That email correspondence acknowledged that the assessment was "very broad brush" and prepared without specialist familiarity with the type of occupancy restriction and its effect on local market values. These matters were central to the case.
4. It transpired that this internal advice formed the entire basis of the Council's case on valuation. However, it provided only a brief comparator list and a lower price range conclusion. It offered no substantive critique of the applicant's professional valuation, nor did it explain why that evidence should be discounted. In the absence of any meaningful analysis, the Council's position amounts to the kind of vague and generalised assertion that the PPG identifies as unreasonable behaviour on substantive grounds.
5. Furthermore, the Council did not disclose its full internal valuation advice to the applicant before determining the planning application. Although this was later submitted by the Council as part of its appeal questionnaire, the applicant confirmed at the hearing that it had not been sent to them at that time, despite the questionnaire certifying that all documents would be circulated on the same day. At

- the hearing, the applicant confirmed that this evidence was first seen by them only about two weeks before the hearing, when sent to the parties as part of my pre-hearing correspondence.
6. The Council's written rebuttal maintains that it was not obliged to disclose internal advice and that the Officer Report "fully discloses" the relevant points. It also asserts that there was adequate engagement during the determination period, referring to an email exchange of 1 July 2025.
 7. However, the PPG identifies procedural unreasonableness where relevant evidence is only produced at appeal, despite having been requested but not supplied at application stage. In this case, the Council's email of 1 July was simply a reply to the applicant's email querying whether any further information was required. In this email exchange, the Council indicated no concerns or requirements for additional evidence yet proceeded to refuse the application shortly afterwards without further engagement. Although the Officer Report referenced elements of the internal valuation advice, it did not fully disclose the details underpinning its decision.
 8. The formal decision notice sought to justify this approach by referencing the applicant's failure to obtain pre-application advice. However, this does not justify the lack of dialogue, nor the failure to alert the applicant to the concerns underpinning the refusal. Accordingly, I am not persuaded that the Council's actions reflect the positive and creative approach to decision-making required by paragraph 38 of the National Planning Policy Framework.
 9. Following receipt of the refusal notice, the applicant again sought disclosure of the Council's valuation evidence¹, receiving only an acknowledgement² and no substantive response or disclosure. The applicant's evidence, which is unchallenged by the Council, is that the full internal valuation advice had still not been provided when the appeal and application for an award of costs were submitted. Given the limited details in the Officer Report, the Council's failure to supply the underlying material, when reasonably expected, constitutes procedural unreasonableness in the terms set out by the PPG.
 10. The applicant also argues that the non-disclosure amounted to "concealment". Whether that was deliberate is contested, and I do not need to make a finding on intent. Nevertheless, in terms of the PPG tests, the Council did not provide the key evidence on which it relied when it was requested and required, thereby depriving the applicant of a fair opportunity to respond during the determination of the planning application, and subsequently as part of the appeal submission. That is enough to constitute unreasonable behaviour on procedural grounds.
 11. The Council is entitled to seek its own independent advice or review of technical evidence, and it can do so by utilising in-house specialists. However, in failing to disclose this internal advice, the Council did not, in this case, meet the required standards of openness or transparency in discharging its planning functions.
 12. Having found that the Council behaved unreasonably, the second PPG test is whether this caused the applicant to incur unnecessary or wasted expense in the appeal process. The applicant's documented steps reference appeal-stage costs

¹ Email from Karen Hall to Paul Charlson and Feargal McAvoy at 11:23 on 29 August 2025

² Email from Corin Henderson to Karen Hall at 17:09 on 1 September 2025

which could have been avoided or materially reduced had the Council disclosed its valuation evidence in good time, provided objective analysis to substantiate its lower valuation at application stage, or given the applicant the opportunity to respond.

13. At the hearing, the applicant acknowledged that even if the Council's valuation advice had been shared at application stage, they remained confident in their own evidence and would, in all likelihood, have proceeded to test it at appeal. My findings in the appeal decision support that position and indicate that the appeal itself may have been avoided had the Council engaged meaningfully or substantiated its position at the application stage. Instead, the Council's vague and unsupported valuation position, combined with its failure to share the underlying evidence when reasonably required, necessitated the additional expert work and rebuttal undertaken for the appeal, thereby incurring expense that could have been avoided.

Conclusion

14. For the reasons given, I conclude that the Council acted unreasonably in substantive terms by relying on vague, generalised assertions not supported by objective analysis. It also acted unreasonably in procedural terms through the failure to disclose relevant information at the appropriate time, despite the applicant's requests.
15. Consequently, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is therefore justified.

Costs Order

16. 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 West Lancashire Borough Council shall pay to Mrs Mary Ashcroft, 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.
17. The applicant is now invited to submit to West Lancashire 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.

P Storey

INSPECTOR