



Costs Decision

Site visit made on 29 April 2026

by **Elizabeth Pleasant BSc (Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 May 2026

Costs application in relation to Appeal Ref: APP/B2355/X/24/3357327

Sowclough Farm, Sowclough Road, Stacksteads, Bacup, Lancashire OL13 8LB

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr James Phillips for a full award of costs against Rossendale Borough Council.
 - The appeal was against the refusal of the Council to issue a certificate of lawful use or development for material operations relating to the agricultural building under application 2020/0206 having begun prior to the expiration date of that application, giving rise to a lawful material start to the approved development.
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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 is seeking a full award of costs for substantive reasons relating to what he perceives as the Council's unreasonable behaviour in refusing to grant a Certificate of Lawful Use or Development (LDC) when; photographic evidence had been produced that a legal start had been made; their decision was contrary to well-established case law; and with them having no evidence that would make the appellant's version of events less than probable.
4. In terms of a substantive award of costs, a local authority may be at risk of an award of costs where they prevent or delay development that clearly should have been permitted having regard, amongst other things, to national policy; acting contrary to, or not following well-established case law; failure to produce evidence to substantiate their case¹.
5. The Council supported their decision to refuse an LDC with a statement of case which included a detailed planning history of the site and a plan showing inaccuracies in the appellant's case in relation to the position of the pipe. They did not act contrary to well-established case law, nor assert that the laying of the pipe was not a material operation. It was their case that the operational development undertaken was not comprised in the development of the agricultural building.

¹ PPG:049 Reference ID: 16-0489-20140306.

They clearly set out in their statement of case the reasons why they considered that to be the case.

6. It can be seen from my decision that I agreed with the Council and found that their decision to refuse to grant a LDC was well-founded. I am satisfied that the Council adequately substantiated its reasons for not issuing an LDC and the appeal could not have been avoided.
7. I therefore conclude unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Elizabeth Pleasant

INSPECTOR