



Costs Decision

Site visit made on 24 February 2026

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2026

Costs application in relation to Appeal Ref: APP/E2340/W/25/3372886

Prospect Farm Caravan Site, Lenches Road, Colne BB8 8ET

- 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 Mr Patrick Culligan for a full award of costs against Pendle Borough Council.
 - The appeal was against the refusal of planning permission for siting of an additional 5 no. static park homes.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The applicant's claim is that the Council has failed to produce evidence to substantiate its reasons for refusal, which were contrary to officer recommendation and not supported by objections from consultees. The Council is stated to have disregarded this professional advice without justification and pursued a case that is vague, generalised and unsupported by proportionate evidence.
3. The Council states that its planning committee was fully aware of the site and issues involved and exercised its legitimate democratic function in coming to a different view to officers. The assessment of landscape and visual impacts was a matter of planning judgment, having regard to the effect on views in the Colne Significant Views Assessment (2021) and an appeal decision nearby. It is further argued that the site has ecological value and so should have been accompanied by an ecological appraisal to demonstrate there would be no adverse effects. In the absence of this, the Council says it was entitled to refuse permission.
4. The fact that the planning committee did not agree with the officer recommendation is not itself justification for an award of costs. However, the reasons for doing so need to stand up to scrutiny and be supported by robust objective evidence. In this respect, the minutes of the committee meeting provide no record of the discussion that took place, and therefore no indication of the evidence, oral arguments or other factors which led to the committee voting to refuse permission.
5. On the first reason for refusal, the Council refers to past permissions and a cumulative visual effect but it offers little substantive evidence of an unacceptable impact in these regards. The proposed homes are described as being on 'relatively higher ground,' and reference is made to recent clearance of vegetation. However, the analysis of the effect of this on the wider landscape is lacking. There is oblique reference to 'significant views,' but none are specifically identified, and no substantive comparison is made between the respective visual impact of existing

and proposed scenarios. I found that the nearest views identified in the Colne Neighbourhood Plan (CNP), from the centre of Colne, are some distance away, which has a resultant effect on the prominence of the development and its effect on the wider landscape. In the absence of identified harm to a specific view, the absence of a Landscape and Visual Impact Assessment under Policy CNDP 13 of the CNP was not a matter weighing against the applicant's case.

6. I accept that assessments of landscape and visual impact require planning judgements often involving subjective elements. However, in this case the Council's evidence on landscape harm amounts to vague, generalised assertions which fail to full take into account material factors, including the modest amount of development proposed, the scale of the existing site and the distance at which it would be visible from nearby vantage points. Indeed, the failure to identify any affected views severely undermines the Council's position in this case. As such, the Council has failed to substantiate its first reason for refusal and its actions in pursuing this matter amount to unreasonable behaviour.
7. In terms of the second reason for refusal, the Council's evidence places the onus on the applicant to demonstrate that there would be no ecological harm arising from the development. This is a reversal of the officer report where anecdotal comments from interested parties regarding the presence of wildlife locally are noted, but it is stated that the site is not located in a designated ecological site and the proposal was not of a form or scale which necessitated an ecological report. In the absence of any committee minutes, or any response from a relevant consultee, there is no substantive evidence to explain the Council's change in position.
8. In particular, there is no clear evidence that the Planning Committee was made aware of the presence of a protected or priority species or an important habitat that would prompt a request for an ecological report, or that the loss of two diseased trees would lead to demonstrable ecological harm. As with the first reason for refusal, the Council's case at appeal relies on vague, generalised statements of potential impact on species, such as lighting in relation to bats, and ecology more broadly that is unsupported by evidence of their potential presence in the area. This also amounts to unreasonable behaviour.
9. For these reasons, I find that the Council has failed to substantiate its first and second reasons for refusal. This amounts to unreasonable behaviour as set out in the PPG and it follows that the applicant has been put to the unnecessary expense of making the appeal. Therefore, an award of costs is justified in respect of these reasons for refusal, respectively addressed as the second and third main issues of the appeal decision. For the avoidance of doubt, the award does not extend to the first main issue, the suitability of the location for development, which arose from a material change in circumstances following the adoption of the new local plan, and in respect of which the Council has substantiated its position at appeal.

Costs Order

10. 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 Pendle Borough Council shall pay to Mr Patrick Culligan, 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.

11. The applicant is now invited to submit to Pendle 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.

K. Savage

INSPECTOR