



Costs Decision

Site visit not required

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2026

Costs application in relation to Appeal Ref: APP/D2320/X/25/3376615

39 Bolton Road, Chorley, PR7 3AU

- 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 Liv Cooke Developments Limited for a full award of costs against Chorley Borough Council.
 - The appeal was against the refusal of the Council to issue a certificate of lawful use or development for the existing use of the property as a 5-bed HMO (use Class C4).
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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. Unreasonable behaviour in the context of an application for an award of costs may be either procedural relating to the process; or substantive relating to the issues arising from the merits of the appeal.
3. The appellant makes the claim that the Council has acted unreasonably in so far that it has not correctly applied the 'balance of probability' test as outlined in the PPG. It is stated that the evidence sufficiently demonstrated that the property was being used by three people prior to the Council's Article 4 Direction coming into effect which removed permitted development rights, and that neither the Council nor any other party had any contrary evidence to make the appellant's version of events less than probable. Consequently, the appellant considers that unnecessary and wasted expense has been incurred in pursuing the appeal.
4. While I have allowed the appeal, this does not automatically mean that the Council's reason for the refusal of the LDC application was unreasonable. It is essentially a matter of professional judgement in terms of whether the appellant's evidence was sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. In this case, and while I do not concur with the position reached by the Council, I nonetheless find that it did reasonably substantiate its position that the appellant's evidence was not sufficiently precise and unambiguous to justify the grant of a certificate.
5. Indeed, there is a degree of professional planning judgement that needs to be exercised when deciding whether, on the balance of probability, the evidence indicates that it is more likely than not that the property was in use as a C4 HMO

prior to the Article 4 Direction coming into effect. While it is true that the Council did not have any evidence of its own, or from others, to contradict the version of events from the appellant, this does not mean that it was unreasonable for it to reach the conclusion that the appellant's evidence was not sufficiently precise or unambiguous when it reached its balance of probability conclusion.

Conclusion

6. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D Hartley

INSPECTOR