



Costs Decision

Site visit made on 26 June 2026

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 July 2026

Costs application in relation to Appeal Ref: APP/T2350/C/25/3375509

2 Northcote Park, Langho, Blackburn, BB6 8FB

- 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 Mr Stephen Woodward for a full award of costs against Ribble Valley Borough Council.
 - The appeal was against an enforcement notice alleging that on 22 July 2025 planning permission was granted by the Council under reference number 3/2025/0288 for a detached garden room to the rear and changes to land levels subject to conditions. One of those conditions (condition 2) was that the permission shall relate to the development as shown on drawing nos. 25001-P02 received 18th July 2025 and 25001-P03 received 17th July 2025. It appears to the Council that the condition has not been complied with, because the building has not been constructed in accordance with the approved drawings and additional changes to land levels have been undertaken to facilitate the enlarged building footprint.
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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 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 applicant makes the claim that the Council's reasons for issuing the notice are unreasonable. He states that they are vague, generalised and lack substance. He also comments that it was unreasonable for the appellant to refer to the lawful detached garage at the 'six-week stage'.
4. The reasons for issuing the notice can be clearly understood and include reference to local and national planning policy. In any event, an application for costs should relate to the specifics of the appeal and its associated process. In this case, a ground (a) appeal and deemed planning application under section 174(2) of the Act was not before me. Only grounds (c), (f) and (g) of section 174(2) of the Town and Country Planning Act 1990 (as amended) were pleaded in respect of the enforcement notice appeal. Consequently, it was not necessary at any stage for either the Council or the applicant to refer to or to respond to considerations relating to the planning merits of the breach of planning control.

5. Notwithstanding the above, and specifically in respect of the appeal made on ground (c) of section 174(2) of the Act, for the reasons outlined in the enforcement notice appeal decision the evidence is that the Council did not accurate record height measurements from the point of view of applying permitted development right restrictions in Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Indeed, such height measurements should have considered the sloping nature of the land, and, importantly, the Council did not properly apply the guidance in the Government's Permitted Development Rights for Householders: Technical Guidance 2019.
6. For the above reason, and, given that the ground (c) appeal succeeded and the enforcement notice was subsequently quashed, it therefore follows that the applicant should not have been put in a position of having to appeal the enforcement notice. Put another way, the enforcement notice should not have been issued in the first place because the appeal building was permitted development and hence lawfully erected. In this regard, the Council has therefore displayed unreasonable behaviour causing the applicant to incur unnecessary and wasted expense in the appeal process. Therefore, a full award of costs against the Council is justified.

Costs Order

7. 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 Ribble Valley Borough Council shall pay to Mr Stephen Woodward, 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.
8. The applicant is now invited to submit to Ribble Valley 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.

D Hartley

INSPECTOR