Planning Inspectorate

Costs Decision

Hearing held on 24 June 2026

Site visit made on 24 June 2026

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2026

Costs application in relation to Appeal Ref: APP/T2350/W/24/3339770
Land adjacent to Further Lane, Mellor, Blackburn, Lancashire BB2 7QB

- 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 Hussain for a full or partial award of costs against Ribble Valley Borough Council.
- The appeal was against the refusal of planning permission for the erection of 1no. private dwelling with landscaping.

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 costs claim is made on the basis of a range of grounds. Some of the grounds appear to be interlinked and many relate to the approach of the Council with regard to the redetermination of the appeal following the quashing of the previous decision by the High Court.

4. Firstly though, in broad terms when considering the appeal as a whole, the Council has not failed to substantiate its reasons for refusal of the planning application having issued a number of refusal reasons supported by development plan policies. It has set out in sufficient detail within the evidence including through its Officers Report and Appeal Statement the reasons it came to the conclusions it did. Secondly, the Council has not acted to prevent or delay development which should have clearly been permitted. Whilst I do not agree with all of the conclusions of the Council, it was not unreasonable of it to arrive at the position it did having regard to its reasons with regard to the appeal.

5. Given my position on the above matters, it also follows that the Council have not relied on vague, generalised or inaccurate assertions about the proposal's impact which are unsupported by objective analysis on each of the topic areas. Neither has the Council refused planning permission on grounds that were capable of being dealt with by conditions. I do not therefore find unreasonable behaviour relating to these matters.

6. A central aspect of the costs claim of the appellant rests around the grounds that the Council had failed to clearly deal with the decision of the previous Inspector with regard to conclusions that were reached on matters other than those on which the previous appeal decision was quashed.

7. One means through which the up to date position of the Council could have been clarified would have been agreeing an up to date Statement of Common Ground (SoCG) with the appellant. Negotiations over an up to date SoCG were still ongoing towards lunchtime on the day of the re-opened Hearing, by which point I advised the parties that the usefulness of a SoCG at such a late stage would be limited. No updated SoCG was ever finalised and the parties set out their positions as to why common ground was not arrived at.

8. However, prior to the re-opened Hearing I wrote to the parties with reference to matters including the quashed decision and the grounds on which that decision was quashed. In order to ensure that the single day of Hearing time was used efficiently, I strongly encouraged both main parties to agree a broad SoCG before the Hearing.

9. The Council advise that they considered this request to mean a high-level SoCG, rather than an extensively detailed one, in order to clarify the topics in dispute and those agreed. My intention and hopes were that within that SoCG the Council and the appellant could consider whether any common ground could be formed around matters which were not the subject of the grounds on which the original decision was quashed.

10. Had the Council had any doubt about the information that was sought within the SoCG they could have sought clarification, but no such request for clarification was received.

11. The Council accepts that with the benefit of hindsight it may have assisted me to provide an additional document setting out in detail its position in light of the quashed decision on each sub-conclusion. This appears to be an acceptance that it could have been clearer with regard to those matters.

12. There was some engagement from the Council at the re-opened Hearing on those matters and it became apparent that the Council disagreed with the conclusions of the previous Inspector on various grounds on which the previous decision was not quashed.

13. This included the effect of the proposal on the setting of Woodfold Registered Park and Garden and whether the proposal would accord with Policy HO11:1.e. of the Framework[1].

14. The position of the Council in the lead up to the re-opened Hearing was not fully clear in the absence of that type of information and the Council had not fully engaged with the position of the previous Inspector and the extent to which it agreed with any conclusions and if not, why it did not agree with those conclusions. This could have assisted the Hearing and helped with its smooth running. Time would not have been expended discussing preparation of a SoCG.

[1] National Planning Policy Framework 2026.

15. As a result of the combination of these matters, I therefore find unreasonable behaviour by the Council. However, despite this finding, to be able to make an award of costs I would need to be sure that this had caused the appellant to incur unnecessary or wasted expense in the appeal process.

16. The first hearing was held in July 2024 and at that time a previous version of the Framework was in place. The matters relevant to the appeal mean that significant consideration of the Framework is required. Therefore, given the passage of time and the presence of a revised Framework, another Hearing was always going to be necessary in any event.

17. With particular regard to the partial costs award sought, the appellant utilised an extensive professional team at the re-opened Hearing and had legal representation.

18. Given the heritage matters highly relevant to the appeal as well as the importance and centrality of the matters around architectural design and quality, I consider it likely would have been the case that those with expertise in those matters would and should have been in attendance at the re-opened Hearing in any event. Those with expertise in those matters contributed actively to the re-opened Hearing on the day.

19. The presence of those with expertise in other matters such as Green Belt and Ecology was also necessary and discussion was had around those matters at the re-opened Hearing.

20. Therefore, even though I have identified unreasonable behaviour I am unable to conclude on the balance of probability that this has caused the appellant to incur unnecessary or wasted expense in the appeal process.

Conclusion

21. I have not identified unreasonable behaviour that has resulted in unnecessary or wasted expense in the appeal process and an award of either full or partial costs is subsequently not warranted.

T Burnham

INSPECTOR