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## Costs Decision

Site visit made on 8 February 2022

**by Helen B Hockenhull BA (Hons) B.PI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 24<sup>th</sup> February 2022**

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### **Costs application in relation to Appeal Ref: APP/T2350/W/21/3285462 Tippings Meadow, Lyndale Avenue, Wilpshire BB1 9LP**

- 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 and Mrs J Evans for a full award of costs against Ribble Valley Borough Council.
  - The appeal was against the refusal of planning permission for the change of use of domestic annexe to form a separate dwelling.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. National Planning Practice Guidance (NPPG) advises that, irrespective of the outcome of the appeal, costs may only 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 submits that the Council has acted unreasonably as it has prevented or delayed development which should clearly have been permitted and has failed to produce evidence to substantiate each reason for refusal. It is also argued that the Council has made vague, generalised and inaccurate assertions about the proposals impact.
4. The Council refused the application because it was considered that the proposal would conflict with the development plan. The delegated report explains their position and sets out why, in their view, the proposal would conflict with Core Strategy Policy DMG2. The Council had a clear policy reason to refuse permission. The report and submitted appeal statement clearly substantiate the Council's reason for refusal.
5. In coming to my decision, I too have found conflict with the development plan, though I have taken the view that material considerations outweigh this conflict. The Council are entitled to come to a different conclusion; this is a matter of judgement. Consequently, the Council have not acted unreasonably and have not delayed or prevented a development that should have been approved.
6. The Council, in the reason for refusal, argues that the proposal, if permitted, could lead to an undesirable precedent. The appellant argues that this assertion should have been expanded upon, or similar examples provided. I do not

however consider that this would have been necessary. It was clear in the delegated report and appeal statement, that the Council were raising the matter to highlight the potential harm to the development strategy. I therefore find that vague or generalised assertions about the proposals impact have not been made.

**Conclusion**

7. For the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. An award of costs is not justified.

*Helen Hockenfull*

INSPECTOR