



Costs Decision

Site visit made on 19 January 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 4th February 2021

Costs application in relation to Appeal Ref: APP/T2350/D/20/3261174 Leaside, Mire Ash Brow, Mellor, Blackburn BB2 7EZ

- 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 James Watts for a full award of costs against Ribble Valley Borough Council.
 - The appeal was against the refusal of planning permission for proposed redevelopment of the existing dwelling incorporating annex accommodation.
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Decision

1. The application for a full award of costs is refused.

Reasons

2. The Planning Practice Guidance (the PPG) 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. Applications for costs should clearly demonstrate how alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. Although no detailed costs application has been submitted, the applicant's concerns appear to relate to the Council's correspondence and its engagement with the applicant during the processing of the application. In this regard, the Council initially advised by email that it accepted the principle of the development, but then it refused the application on grounds relating to the Green Belt.
4. The Council's decision will undoubtedly have been a surprise and a disappointment to the applicant. Although the Council later explained that its early comments were made before it realised that the proposal was in the Green Belt, the applicant had been given to understand that the development would be approved. The applicant's frustration is therefore understandable. However, as can be seen from my appeal decision, I agree with the Council's conclusion.
5. Therefore, the Council did not behave unreasonably in refusing to grant permission on the grounds of conflict with local and national policies. It did not delay development that should clearly have been permitted, planning permission was not unjustifiably withheld and the appeal could not have been avoided.

Conclusion

6. I find that unreasonable behaviour on the part of the Council, resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. A full award of costs is not justified.

Sarah Manchester

INSPECTOR