



The Planning
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28 FEB 2013

Sarah Westwood
Senior Planning Officer
Ribble Valley Borough Council
Church Walk
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Your Ref: 3/2012/0327

Our Ref: APP/T2350/A/12/2180417

Date: 27 February 2013

Dear Sirs

**LOCAL GOVERNMENT ACT 1972 – SECTION 250(5)
TOWN & COUNTRY PLANNING ACT 1990 – SECTIONS 78 & 322A
SITE AT LAND TO THE EAST OF CLITHEROE ROAD, LAWSONSTEAD, WHALLEY,
LANCASHIRE
APPEAL BY COMMERCIAL ESTATES GROUP – APPLICATION FOR COSTS**

1. I am directed by the Secretary of State for Communities and Local Government to refer to the Planning Inspectorate's letter of 16 November 2012 confirming the withdrawal of the appeal by Commercial Estates Group. The appeal was against Ribble Valley Borough Council's decision of 20 July 2012 to refuse planning permission for "*Mixed use development comprising residential (C3); nursing home (C2); car parking; open space and ancillary landscaping*", on land to the east of Clitheroe Road, Lawsonsteads, Whalley, Lancs.

2. This composite letter deals with:

- (a) the appellants application for a full award of costs against the Council; and,
- (b) the Council's counter-application for an award of costs against the appellants.

The appellants' costs submissions, submitted on their behalf by their Solicitors, Walker Morris, were made in correspondence dated 15 November and 6 December 2012. The Council's costs submissions and counter-application were made in a letter dated 26 November 2012. As these representations have been fully disclosed to the parties it is not proposed to summarise them. They have been carefully considered.

Summary of decisions

Appellants' application against the Council

3. The formal decision and costs order are set out in paragraphs 23 and 24 below. The costs application succeeds and a full award of costs is being made against the Council.

Council's application against the appellants

4. The formal decision is set out in paragraph 22 below. The application fails and no award of costs is being made in favour of the Council.



Basis for determining the costs application

5. In planning appeals, the parties are normally expected to meet their own expenses, irrespective of the outcome of the appeal. Costs are awarded only on the grounds of "unreasonable" behaviour, resulting in unnecessary or wasted expense.

6. Section 322A of The Town and Country Planning Act 1990 enables the Secretary of State to award appeal costs against any appeal party whose unreasonable behaviour directly results in the late cancellation of an inquiry or hearing, so that expense incurred by any of the other parties is wasted. Published policy guidance for such cases is in CLG Circular 03/09 (referred to below as the Costs Circular). The application for costs has been considered in the light of this guidance, the appeal papers, the parties' correspondence on costs and all relevant circumstances.

Reasons for the decision

7. All the available evidence in this case has been carefully considered.

Appellants' application for costs

8. The decisive issue is considered to be whether or not the combination of the Council's refusal of the appeal application, and their subsequent grant of permission on a duplicate application, amounted to a withdrawal of their case on appeal which was unreasonable, and resulted in the appellants incurring wasted expense in making and pursuing their appeal.

9. Particular regard has been paid to the policy guidance in paragraphs A12, B15 to B29, B56 & B59 to the Costs Circular. Paragraph B56 explains that planning authorities should be prepared to review their case promptly following a submitted appeal. If the authority decides not to contest the appeal the risk of an award of costs can be minimised. Paragraph B59 states that if the planning authority concedes on a further identical application they run the risk of a full award of costs for an abortive appeal which is withdrawn in circumstances where the evidence base is unchanged and the scheme is not amended in any way.

Council's application for costs

10. The decisive issue is whether or not the appeal was unreasonably made at the outset, with the result that the Council incurred wasted expense in preparing to resist it. Particular regard has been paid to the policy guidance in paragraph A3 (bullet point 2) and B13 of the Costs Circular.

Events leading to the making and withdrawal of the appeal

11. It is noted that the appeal application (3/2012/0327) was registered by the Council on 11 April 2012. The application was refused by the Council on 20 July 2012 on three reasons¹. The Council considered that the development would have a detrimental impact on the open countryside, the Whalley Conservation Area and highway safety, and would be contrary to planning policies contained in the Ribble Valley Districtwide Local Plan.

12. The appeal was made on 26 July 2012. Apparently at the same time as the submission of the appeal the parties were discussing the possibility of the submission of a duplicate application to allow the Council Committee an opportunity to reconsider their decision to refuse the appeal application. It appears that the resubmitted application was subsequently registered by the Council on 3 August 2012 with an expiry date of 2 November 2012. Meanwhile, the Inspectorate's letters of 31 August 2012 informed the parties that an inquiry would be arranged and set a timetable for the submission of

¹ Reasons for refusal are given in full as an Annex to this decision letter.

appeal documentation. The Council's questionnaire and documents for the appeal were received on 14 September 2012. The Inspectorate's letters of 17 September 2012 informed the parties that the inquiry would take place on 15 January 2013. On 11 October 2012 the Council considered the duplicate planning application (3/2012/0687/P) and resolved to approve the scheme subject to appropriate conditions and a section 106 agreement². The appellants' agents, Indigo Planning Limited, then approached the Inspectorate on 12 October 2012 to request a period of abeyance for the appeal pending the permission on the duplicate application being granted. The parties submitted their statements of case on 12 October 2012 in accordance with the timetable. On 19 October 2012 the Inspectorate wrote to the parties agreeing a one month abeyance period. Conditional planning permission on the duplicate application was granted by the Council on 9 November 2012. The appellants' agents then withdrew the appeal by letter dated 15 November 2012 following the completion of the section 106 agreement. The Inspectorate confirmed withdrawal on 16 November 2012. The appellants made an application for costs on 15 November 2012 and the Council made their counter-application on 26 November 2012.

Conclusions

Appellants' application for costs

13. It is noted that in defence of the costs application the Council have argued that in refusing planning permission they had identified three reasons for refusal. While the planning application had been recommended for approval by Officers it was refused by Members based on the information and advice available at the time. The duplicate application submitted by the appellants was dealt with by the Council as quickly and as efficiently as possible. The Council contend that the submission of the Core Strategy since the decision to refuse the appeal application represented a material change in the planning policy context in which the duplicate application was considered.

14. The Council's change of stance by granting planning permission on the duplicate application, following the submission of the appeal, clearly resulted in the cancellation of an arranged inquiry and the withdrawal of the appeal. The relevant circumstances that led to the two different decisions has therefore been carefully considered. The appellants argue that no material changes to the policy background that was relevant to the Council's reasons for refusing the appeal application occurred between the consultation draft version of the Core Strategy³ that was considered by the Council at the Committee meeting in July 2012 and the submission draft Core Strategy⁴ considered by the Committee in October 2012, less than three months later. Furthermore, it was said that the Council's position as to the annual housing requirement for the district also remained the same when both planning applications were decided. The appellants contend that the principal changes to the Core Strategy in the intervening period between the Council's two decisions were in respect of key aspects of the NPPF and did not relate to any policy guidance that impacted on the Council's reasons for refusing the appeal application. The Secretary of State considers it significant that the Council have not taken the opportunity to dispute the appellants' arguments set out above. Neither have they explained, in clear and precise terms, the material differences in the planning policy context between the two versions of the Core Strategy that caused them to change their mind on their reasons for refusing the appeal application. The Secretary of State notes that the NPPF was published on 27 March 2012 and would have been available to the Council at the time of the July 2012 Committee meeting. While the Council properly took the opportunity to review their case on appeal, the Secretary of State concludes that it has not been demonstrated that the combination of the refusal and subsequent grant of planning permission on an identical application resulted from a

² Section 106 of the 1990 Act – 'Agreements regulating development or use of land'

³ Regulation 19 Consultation draft (published April 2012)

⁴ Regulation 22 Submission draft

material change in circumstances justifying the Council abandoning their reasons for refusal. Rather it appears that the reasons for refusal noted above were abandoned by the Council on granting permission for the duplicate application.

15. As to whether the Council's initial refusal of planning permission was unreasonable, planning authorities are expected to be able to produce evidence to substantiate each of their reasons for refusal; and, if they cannot do so, costs may be awarded against them. In this case the appeal was withdrawn and not determined, and the Secretary of State no longer has any jurisdiction in the matter. Nevertheless, the view is taken that conclusions can fairly be drawn, in the particular circumstances, from the change of stance on the part of the Council. While the Secretary of State notes the Council's stated reasons for refusal, he takes the view that if at the time of the consideration of the appeal application the Council had any doubts about the impact of the development on the surrounding area they had the option of deferring their decision pending the receipt and consideration of a more detailed analysis of those areas of doubt.

16. The conclusion drawn is that the Council's approval of the re-submitted application amounted to an admission, in the particular circumstances, that they had abandoned their case on appeal. No evidence has been submitted to show any material difference between the appeal and the second duplicate application; and there is no evidence of any other material change in circumstances relevant to the planning issues arising on the appeal at the time of the withdrawal. It is therefore concluded that the Council have shown no good reason for their change of stance; and they acted unreasonably within the scope of paragraph B59 of the Costs Circular. While it is accepted that the Council's grant of planning permission on the duplicate application saved the full expense of an inquiry the appellants would nevertheless have incurred wasted expense in appealing. A full award of those costs will therefore be made.

17. For the avoidance of doubt, the Secretary of State does not determine the amount payable where an award of costs is being made. That will be for the parties to resolve by agreement⁵ on the evidence of expense actually incurred or, failing that, in the context of an application to the Senior Courts Costs Office for detailed assessment.

Council's application for costs

18. The Council argue that the appellants acted unreasonably in pursuing the appeal from the start. Their contention is that the appeal costs could have been avoided if the appellants had waited until the re-submitted application had been determined. The duplicate scheme was subsequently approved by the Council, subject to a section 106 agreement.

19. It should be noted that the right of appeal is a statutory right. The grounds on which the appeal was made were accepted by the Inspectorate as having been supported with facts. The appellants clearly considered that they had sufficient grounds to challenge the Council's three reasons for refusal. Furthermore, the Secretary of State notes that in subsequently granting planning permission, subject to a 106 agreement, the Council must have accepted the appellants' case in their duplicate application. In these circumstances, the Secretary of State concludes, in the light of the policy guidance in paragraph B13 of the Costs Circular, that the appeal was not unreasonably made.

20. The Council have referred to the guidance in paragraph A3 (bullet point 2) of the Costs Circular which states that appeals should not be entered into lightly or as a first resort. However, the Secretary of State notes that the guidance refers to the situation where an appellant is considering making a revised application in order to try

⁵ Paragraph A21 of the Costs Circular refers.

and resolve the Council's objections to a scheme. In this case, the appellants were not attempting to obtain permission on a revised scheme. The application was a re-submission to give the Council an opportunity to reconsider their previous decision which the appellants considered to have been wrong. The view is taken that this is not considered to have been an unreasonable use of the statutory right of appeal in circumstances where it has been subsequently found by the Secretary of State that the Council's refusal of the original application was unreasonable.

21. For these reasons, the Secretary of State is not satisfied that the appellants have been shown to have acted unreasonably, as alleged.

Formal decision on Council's application

22. For the reasons given in paragraphs 18 to 21 above, the Secretary of State concludes that no award of costs against the appellants in this case, on grounds of unreasonable behaviour resulting in unnecessary or wasted expense, is justified in the particular circumstances. The application is refused.

Formal decision on appellants' application

23. For the reasons given in paragraphs 13 to 17 above, the Secretary of State has decided that a full award of costs against the Council, on grounds of unreasonable behaviour resulting in unnecessary or wasted expense in the appeal, is justified in the particular circumstances as set out in the Costs Order below.

COSTS ORDER

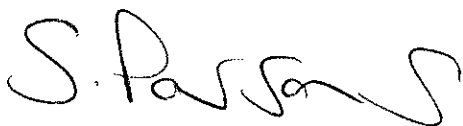
24. Accordingly, the Secretary of State for Communities and Local Government, in exercise of his powers under section 250(5) of the Local Government Act 1972, sections 78 and 322A of the Town and Country Planning Act 1990, and all other powers enabling him in that behalf, **HEREBY ORDERS** that Ribble Valley Borough Council shall pay to Commercial Estates Group their costs of the appeal proceedings before the Secretary of State, such costs to be assessed in the Senior Courts Costs Office if not agreed. The proceedings concerned an appeal by Commercial Estates Group against the refusal of planning permission more particularly described in paragraph 1 of this letter.

25. The appellants are now invited to submit to Ribble Valley Borough Council details of those costs with a view to reaching agreement on the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

26. A similarly worded letter has been sent to the appellants' Solicitors, Walker Morris.

27. There is no statutory provision for a challenge to a decision on an application for an award of costs. The procedure is to make an application for a judicial review. This must be done promptly.

Yours faithfully



STEVE PARSONS
Authorised by the Secretary of State
to sign in that behalf

Annex to costs decision letter APP/T2350/A/12/2180417

Council's reasons for refusal of application 3/2012/0327 dated 20 July 2012

1. The proposed development by virtue of its location outside the defined settlement boundary of Whalley is considered to represent an urban extension into open countryside which would change the character of this area of open countryside to the detriment of the visual amenities of the area. It is thus contrary to Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan.
2. The proposed development by virtue of its detrimental impact on the setting of and views into and out of Whalley Conservation Area would have an unduly harmful impact upon the character, appearance and significance of the Conservation Area. It is thus considered contrary to Policy ENV16 of the Ribble Valley Districtwide Local Plan.
3. The proposed development is considered contrary to Policy G1 of the Ribble Valley Districtwide Local Plan in that it would have an adverse impact on the operation of the highway network, particularly in terms of congestion, to the detriment of highway safety.



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Walker Morris
Kings Court
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LS1 2HL

Your Ref: RXM/JUC/CEG.14-15

Our Ref: APP/T2350/A/12/2180417

Date: 27 February 2013

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Council's application against the appellants

4. The formal decision is set out in paragraph 22 below. The application fails and no award of costs is being made in favour of the Council.



Basis for determining the costs application

5. In planning appeals, the parties are normally expected to meet their own expenses, irrespective of the outcome of the appeal. Costs are awarded only on the grounds of "unreasonable" behaviour, resulting in unnecessary or wasted expense.

6. Section 322A of The Town and Country Planning Act 1990 enables the Secretary of State to award appeal costs against any appeal party whose unreasonable behaviour directly results in the late cancellation of an inquiry or hearing, so that expense incurred by any of the other parties is wasted. Published policy guidance for such cases is in CLG Circular 03/09 (referred to below as the Costs Circular). The application for costs has been considered in the light of this guidance, the appeal papers, the parties' correspondence on costs and all relevant circumstances.

Reasons for the decision

7. All the available evidence in this case has been carefully considered.

Appellants' application for costs

8. The decisive issue is considered to be whether or not the combination of the Council's refusal of the appeal application, and their subsequent grant of permission on a duplicate application, amounted to a withdrawal of their case on appeal which was unreasonable, and resulted in the appellants incurring wasted expense in making and pursuing their appeal.

9. Particular regard has been paid to the policy guidance in paragraphs A12, B15 to B29, B56 & B59 to the Costs Circular. Paragraph B56 explains that planning authorities should be prepared to review their case promptly following a submitted appeal. If the authority decides not to contest the appeal the risk of an award of costs can be minimised. Paragraph B59 states that if the planning authority concedes on a further identical application they run the risk of a full award of costs for an abortive appeal which is withdrawn in circumstances where the evidence base is unchanged and the scheme is not amended in any way.

Council's application for costs

10. The decisive issue is whether or not the appeal was unreasonably made at the outset, with the result that the Council incurred wasted expense in preparing to resist it. Particular regard has been paid to the policy guidance in paragraph A3 (bullet point 2) and B13 of the Costs Circular.

Events leading to the making and withdrawal of the appeal

11. It is noted that the appeal application (3/2012/0327) was registered by the Council on 11 April 2012. The application was refused by the Council on 20 July 2012 on three reasons¹. The Council considered that the development would have a detrimental impact on the open countryside, the Whalley Conservation Area and highway safety, and would be contrary to planning policies contained in the Ribble Valley Districtwide Local Plan.

12. The appeal was made on 26 July 2012. Apparently at the same time as the submission of the appeal the parties were discussing the possibility of the submission of a duplicate application to allow the Council Committee an opportunity to reconsider their decision to refuse the appeal application. It appears that the resubmitted application was subsequently registered by the Council on 3 August 2012 with an expiry date of 2 November 2012. Meanwhile, the Inspectorate's letters of 31 August 2012 informed the parties that an inquiry would be arranged and set a timetable for the submission of

¹ Reasons for refusal are given in full as an Annex to this decision letter.

appeal documentation. The Council's questionnaire and documents for the appeal were received on 14 September 2012. The Inspectorate's letters of 17 September 2012 informed the parties that the inquiry would take place on 15 January 2013. On 11 October 2012 the Council considered the duplicate planning application (3/2012/0687/P) and resolved to approve the scheme subject to appropriate conditions and a section 106 agreement². The appellants' agents, Indigo Planning Limited, then approached the Inspectorate on 12 October 2012 to request a period of abeyance for the appeal pending the permission on the duplicate application being granted. The parties submitted their statements of case on 12 October 2012 in accordance with the timetable. On 19 October 2012 the Inspectorate wrote to the parties agreeing a one month abeyance period. Conditional planning permission on the duplicate application was granted by the Council on 9 November 2012. The appellants' agents then withdrew the appeal by letter dated 15 November 2012 following the completion of the section 106 agreement. The Inspectorate confirmed withdrawal on 16 November 2012. The appellants made an application for costs on 15 November 2012 and the Council made their counter-application on 26 November 2012.

Conclusions

Appellants' application for costs

13. It is noted that in defence of the costs application the Council have argued that in refusing planning permission they had identified three reasons for refusal. While the planning application had been recommended for approval by Officers it was refused by Members based on the information and advice available at the time. The duplicate application submitted by the appellants was dealt with by the Council as quickly and as efficiently as possible. The Council contend that the submission of the Core Strategy since the decision to refuse the appeal application represented a material change in the planning policy context in which the duplicate application was considered.

14. The Council's change of stance by granting planning permission on the duplicate application, following the submission of the appeal, clearly resulted in the cancellation of an arranged inquiry and the withdrawal of the appeal. The relevant circumstances that led to the two different decisions has therefore been carefully considered. The appellants argue that no material changes to the policy background that was relevant to the Council's reasons for refusing the appeal application occurred between the consultation draft version of the Core Strategy³ that was considered by the Council at the Committee meeting in July 2012 and the submission draft Core Strategy⁴ considered by the Committee in October 2012, less than three months later. Furthermore, it was said that the Council's position as to the annual housing requirement for the district also remained the same when both planning applications were decided. The appellants contend that the principal changes to the Core Strategy in the intervening period between the Council's two decisions were in respect of key aspects of the NPPF and did not relate to any policy guidance that impacted on the Council's reasons for refusing the appeal application. The Secretary of State considers it significant that the Council have not taken the opportunity to dispute the appellants' arguments set out above. Neither have they explained, in clear and precise terms, the material differences in the planning policy context between the two versions of the Core Strategy that caused them to change their mind on their reasons for refusing the appeal application. The Secretary of State notes that the NPPF was published on 27 March 2012 and would have been available to the Council at the time of the July 2012 Committee meeting. While the Council properly took the opportunity to review their case on appeal, the Secretary of State concludes that it has not been demonstrated that the combination of the refusal and subsequent grant of planning permission on an identical application resulted from a

² Section 106 of the 1990 Act - 'Agreements regulating development or use of land'

³ Regulation 19 Consultation draft (published April 2012)

⁴ Regulation 22 Submission draft

material change in circumstances justifying the Council abandoning their reasons for refusal. Rather it appears that the reasons for refusal noted above were abandoned by the Council on granting permission for the duplicate application.

15. As to whether the Council's initial refusal of planning permission was unreasonable, planning authorities are expected to be able to produce evidence to substantiate each of their reasons for refusal; and, if they cannot do so, costs may be awarded against them. In this case the appeal was withdrawn and not determined, and the Secretary of State no longer has any jurisdiction in the matter. Nevertheless, the view is taken that conclusions can fairly be drawn, in the particular circumstances, from the change of stance on the part of the Council. While the Secretary of State notes the Council's stated reasons for refusal, he takes the view that if at the time of the consideration of the appeal application the Council had any doubts about the impact of the development on the surrounding area they had the option of deferring their decision pending the receipt and consideration of a more detailed analysis of those areas of doubt.

16. The conclusion drawn is that the Council's approval of the re-submitted application amounted to an admission, in the particular circumstances, that they had abandoned their case on appeal. No evidence has been submitted to show any material difference between the appeal and the second duplicate application; and there is no evidence of any other material change in circumstances relevant to the planning issues arising on the appeal at the time of the withdrawal. It is therefore concluded that the Council have shown no good reason for their change of stance; and they acted unreasonably within the scope of paragraph B59 of the Costs Circular. While it is accepted that the Council's grant of planning permission on the duplicate application saved the full expense of an inquiry the appellants would nevertheless have incurred wasted expense in appealing. A full award of those costs will therefore be made.

17. For the avoidance of doubt, the Secretary of State does not determine the amount payable where an award of costs is being made. That will be for the parties to resolve by agreement⁵ on the evidence of expense actually incurred or, failing that, in the context of an application to the Senior Courts Costs Office for detailed assessment.

Council's application for costs

18. The Council argue that the appellants acted unreasonably in pursuing the appeal from the start. Their contention is that the appeal costs could have been avoided if the appellants had waited until the re-submitted application had been determined. The duplicate scheme was subsequently approved by the Council, subject to a section 106 agreement.

19. It should be noted that the right of appeal is a statutory right. The grounds on which the appeal was made were accepted by the Inspectorate as having been supported with facts. The appellants clearly considered that they had sufficient grounds to challenge the Council's three reasons for refusal. Furthermore, the Secretary of State notes that in subsequently granting planning permission, subject to a 106 agreement, the Council must have accepted the appellants' case in their duplicate application. In these circumstances, the Secretary of State concludes, in the light of the policy guidance in paragraph B13 of the Costs Circular, that the appeal was not unreasonably made.

20. The Council have referred to the guidance in paragraph A3 (bullet point 2) of the Costs Circular which states that appeals should not be entered into lightly or as a first resort. However, the Secretary of State notes that the guidance refers to the situation where an appellant is considering making a revised application in order to try

⁵ Paragraph A21 of the Costs Circular refers.

and resolve the Council's objections to a scheme. In this case, the appellants were not attempting to obtain permission on a revised scheme. The application was a re-submission to give the Council an opportunity to reconsider their previous decision which the appellants considered to have been wrong. The view is taken that this is not considered to have been an unreasonable use of the statutory right of appeal in circumstances where it has been subsequently found by the Secretary of State that the Council's refusal of the original application was unreasonable.

21. For these reasons, the Secretary of State is not satisfied that the appellants have been shown to have acted unreasonably, as alleged.

Formal decision on Council's application

22. For the reasons given in paragraphs 18 to 21 above, the Secretary of State concludes that no award of costs against the appellants in this case, on grounds of unreasonable behaviour resulting in unnecessary or wasted expense, is justified in the particular circumstances. The application is refused.

Formal decision on appellants' application

23. For the reasons given in paragraphs 13 to 17 above, the Secretary of State has decided that a full award of costs against the Council, on grounds of unreasonable behaviour resulting in unnecessary or wasted expense in the appeal, is justified in the particular circumstances as set out in the Costs Order below.

COSTS ORDER

24. Accordingly, the Secretary of State for Communities and Local Government, in exercise of his powers under section 250(5) of the Local Government Act 1972, sections 78 and 322A of the Town and Country Planning Act 1990, and all other powers enabling him in that behalf, **HEREBY ORDERS** that Ribble Valley Borough Council shall pay to Commercial Estates Group their costs of the appeal proceedings before the Secretary of State, such costs to be assessed in the Senior Courts Costs Office if not agreed. The proceedings concerned an appeal by Commercial Estates Group against the refusal of planning permission more particularly described in paragraph 1 of this letter.

25. The appellants are now invited to submit to Ribble Valley Borough Council details of those costs with a view to reaching agreement on the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

26. A similarly worded letter has been sent to Sarah Westwood, Senior Planning Officer at Ribble Valley Borough Council.

27. There is no statutory provision for a challenge to a decision on an application for an award of costs. The procedure is to make an application for a judicial review. This must be done promptly.

Yours faithfully



STEVE PARSONS

Authorised by the Secretary of State
to sign in that behalf

1. The proposed development by virtue of its location outside the defined settlement boundary of Whalley is considered to represent an urban extension into open countryside which would change the character of this area of open countryside to the detriment of the visual amenities of the area. It is thus contrary to Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan.
2. The proposed development by virtue of its detrimental impact on the setting of and views into and out of Whalley Conservation Area would have an unduly harmful impact upon the character, appearance and significance of the Conservation Area. It is thus considered contrary to Policy ENV16 of the Ribble Valley Districtwide Local Plan.
3. The proposed development is considered contrary to Policy G1 of the Ribble Valley Districtwide Local Plan in that it would have an adverse impact on the operation of the highway network, particularly in terms of congestion, to the detriment of highway safety.

The Planning Inspectorate

Award of appeal costs:

Local Government Act 1972 - section 250(5)

How to apply for a detailed and independent assessment when the amount of an award of costs is disputed

This note is for general guidance only. If you are in any doubt about how to proceed in a particular case, you should seek professional advice.

If the parties cannot agree on the amount of costs to be recovered, either party can refer the disputed costs to a Costs Officer or Costs Judge for detailed assessment¹. This is handled by:

The Senior Courts Costs Office²
Clifford's Inn
Fetter Lane
London EC4A 1DQ
(Tel: 020 7947 7124).

But before this can happen you must arrange to have the costs award made what is called an order of the High Court³. This is done by writing to:

The Administrative Court Office
Royal Courts of Justice
Strand
London WC2A 2LL.

You should refer to section 250(5) of the Local Government Act 1972, and enclose the original of the order of the Secretary of State, or his Inspector, awarding costs. A prepaid return envelope should be enclosed. The High Court order will be returned with guidance about the next steps to be taken in the detailed assessment process.

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407

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¹ The detailed assessment process is governed by Part 47 of the Civil Procedure Rules that came into effect on 26 April 1999. These rules are available online at http://www.justice.gov.uk/civil/procrules_fin/menus/rules.htm

You can also buy the Rules from The Stationery Office bookshops or look at copies in your local library or council offices.

² Formerly named the Supreme Court Costs Office

³ Please note that no interest can be claimed on the costs claimed unless and until a High Court order has been made. Interest will only run from the date of that order.

