



Costs Decision

Site visit made on 28 May 2014

by **David Fitzsimon MRTPI**

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

Decision date: 4 June 2014

Costs application in relation to Appeal Ref: APP/T2350/D/14/2216951 70A Downham Road, Chatburn, Clitheroe, Lancashire BB7 4AU

- 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 & Mrs H Wood for a full award of costs against Ribble Valley Borough Council.
 - The appeal was made against the refusal of planning permission for the construction of a part two storey, part single storey side extension.
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Decision

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

Reasons

1. The Planning Practice Guidance 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.
 2. The appellants argue that the Council acted unreasonably because it failed to accept the findings of a Light Assessment. This technical information was submitted after the refusal of planning permission and therefore it was not possible for the Council to take it into account before reaching a formal decision. I understand the appellants' point that a second application would have been submitted if the Council had latterly accepted the findings of the Light Assessment, and this could have negated the need for an appeal. Nevertheless, the Council's position is that even if the findings of the technical information were accepted, it does not overcome concerns relating to outlook.
 3. Paragraph B18 of Circular 03/2009: *Costs Awards in Appeals and Other Planning Proceedings* explains that planning appeals often involve matters of judgement concerning issues such as the living conditions of adjoining occupiers. It indicates that where the outcome of an appeal turns on an assessment of such matters, it is unlikely that costs will be awarded if realistic and specific evidence is provided about the consequences of the proposed development. I am mindful that the Circular has been cancelled by the less prescriptive Planning Practice Guidance, but this advice remains sound in my view. The reason for the refusal to grant planning permission was complete,
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precise, specific and relevant to the application and although I was not persuaded by the case advanced by the Council, I found it to be realistic and specific.

4. In light of the above factors, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

David Fitzsimon

INSPECTOR