



Costs Decision

Site visit made on 3 July 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2023

Costs application in relation to Appeal Ref: APP/T2350/W/23/3318179 Woodfold Park Stud, Mellor, BB2 7QA

- 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 Shokat Dalal for a full award of costs against Ribble Valley Borough Council.
 - The appeal was against the refusal of planning permission for the conversion of former stud farm stables to form part of residential dwelling and extensions to existing property.
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Decision

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

Reasons

2. 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 applicant contends that they have incurred wasted expense in submitting an unnecessary appeal due to the Council's unreasonable behaviour. This is due to failing to properly consider evidence of the previous approvals at the site and potential permitted development rights, applying an incorrect assessment of the percentage increase in the built volume, providing insufficient details of the harm to the listed buildings or the Registered Park, and providing imprecise reasons for refusal and incorrectly applied development plan policies. They also contend that the Council did not provide a full opportunity for discussion on revised plans.
4. I do not have detailed evidence before me to confirm that the appeal would not have been pursued at all should the Council have provided more detailed reasoning. I find that sufficient explanation and clarification was provided within the Council's officer report and on the decision notice. I endorsed the Council's approach as correct with relation to the assessment of the impact of the proposed development, including its visual impacts. Specifically, it was appropriate to refer to the setting of the listed buildings, by inference due to their association with, and position within, the Registered Park. The Council therefore did not act unreasonably in its conclusions.
5. I did identify that CS Policy DMH4 cited on the decision notice does not directly apply. However, in the wider context of the other reasons for refusal and the applicant's need to address this in totality, the extent of the applicant's appeal documentation which is concerned solely with rebutting this element is very limited compared to the whole. Therefore overall, I do not find this matter to

be so substantive or standalone as to justify any costs award solely on this basis.

6. The Council identified that the stables' existing floorspace should be included within the volume increase calculation. While the proposed new use of the stables floorspace would not create a numerical floorspace increase, this use would not be undertaken without the additional floorspace attached to it. The Council considered that the extent of the proposed alterations to its walls and roof would thus go beyond that of a conversion. While I did not fully agree with this view, the way it was framed by the Council is a matter of planning judgement. Therefore it was not unreasonable to have assessed the volume calculations in this way.
7. There is no legislative duty requiring the Council to enter into discussions with an applicant to resolve problems. The National Planning Policy Framework (2021) requirement under paragraph 38 to work proactively with applicants does not oblige the Council to engage in discussions in all circumstances. However, a set of revised plans were accepted and fully considered by the Council. The 'Procedural Guide: Planning Appeals – England' (2023) reference that the Local Planning Authority should be open to discussions on whether it is likely to view an amended application favourably, relates to matters following its initial refusal.
8. I conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process as described in the PPG, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

L Hughes

INSPECTOR