



Costs Decision

Site visit made on 20 April 2023

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2023

Costs application in relation to Appeal Ref: APP/T2350/D/23/3315089 2 Northacre Drive, Barrow, Clitheroe, Lancashire BB7 9XT

- 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 Mrs Natalie Somers for a full award of costs against Ribble Valley Borough Council.
 - The appeal was against the refusal of planning permission for the erection of an orangery/single storey extension to the rear of the property.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 application for costs relies on whether the Council has acted unreasonably by providing advice on development at the site, the applicant then acting on the advice and the application being refused.
4. The Council provided advice by email regarding a previous two-storey scheme at the same site, which stated that 'anything other than an extension above single storey level would be problematic'. The applicant then submitted a scheme for a single storey rear extension that was subsequently refused and is subject of this appeal. The Council have stated that as part of the advice given this was not part of a formal pre-application submission with a detailed scheme, and that the comments were given as a general guide as to what may be acceptable.
5. When a planning application is submitted to a Local Planning Authority to be determined, it is then to be assessed on its merits. The Council has assessed the application in line with its policies and has given clear justification and reasons for the decision in the officer's report and decision notice. I do not find that the Council has acted unreasonably by providing general advice without a pre-application with full details of what was to be submitted and then making a decision on the application.
6. The application for costs refers to behaviour of officers of the Council, stating that a phone call with the case officer did not raise concerns about the single storey extension which was then refused days later. This was then raised with a principal officer following the decision who confirmed that it was considered

to be unacceptable in a team meeting. Whilst the email thread from the applicant shows a principal officer stating that it was considered unacceptable in a team meeting previously, I have no details on how thoroughly the case was considered by the team. In any event, the advice given by the Council Officer was a general guide as to what scale of development might be acceptable with no details being presented by the applicant at the time. When full details were submitted the Council exercised its planning judgement based on the details before it. While I do not share the Council's view on the harmful nature of the proposal, as may be seen from the accompanying appeal decision, I consider the Council did not exercise its judgement in an unreasonable or inconsistent way.

7. The application for costs refers to a permitted development scheme which does not appear to have been discussed between the parties during the course of the application and therefore states that the Council has acted unreasonably in this regard. In the evidence provided by the applicant, the Council confirmed in an email to the applicant that the scheme was not submitted as a prior notification and that they had the option to submit a prior notification to the Council to be assessed should they wish to. I do not find that the Council has acted unreasonably in this regard by not discussing permitted development fallback options during the course of the application, if it had not been raised by the applicant.
8. Further to the reasons set out above, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not occurred and an award of costs is not warranted.

N Duff

INSPECTOR