



Costs Decision

Hearing Held on 14 August 2024

Site visit made on 14 August 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2024

Costs application in relation to Appeal Ref: APP/T2350/W/24/3340488 Melrose, 2 Goosebutts Lane, Clitheroe, Lancashire BB7 1JT

- 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 Fox for a full award of costs against Ribble Valley Borough Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for change of use to holiday let.
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Decision

1. The application is dismissed.

Procedural Matter

2. The application for costs was made at the Hearing. Due to the lengthy presentation of the applicants grounds, in the interests of fairness I gave the Council three working days to respond, and the applicant the same length of time to respond to the rebuttal. I am satisfied that neither party was prejudiced by this approach.

The submissions for Mrs Fox

3. The National Planning Policy Framework (the Framework) reiterates that there is a presumption in favour of development unless demonstrable harm can be shown. The LPA in their assessment and Decision Notice state that the proposal "Would" rather than "May" cause harm – this is a high bar in terms of a starting position.
4. The Framework states that for a proposal to be turned down there should be clear reasons for refusal and proposals should be dealt with in a clear and positive manner. The Council's own Development Plan states that the Council will have a positive approach to proposals and will only be refused if the harm significantly and demonstrably outweighs the positives.
5. There is no Environmental Health response to the scheme whereas discussion should be undertaken, and any evidence should be demonstrated to back up the Council's position – noise levels etc.
6. In summary, the Council set a high bar in terms of the reason for refusal. Insufficient evidence has been produced to back that up. The applicant produced a considerable number of similar cases in the Borough where permission was granted for this use in similar situations.

The response by Ribble Valley Borough Council

7. The applicants claim for costs rests upon a series of assertions, including issue with respect to the wording of “would” as opposed to the word “may” in the wording of the reason for refusal. The decision to refuse is not the Council’s “starting position” but the end part of the assessment position.
8. With regard to wording, a certain amount of conviction is required, hence the term “would” rather than “may”.
9. The allegation that no realistic and specific evidence is presented, is that due to a lack of time and resources, a judgement must be made based on the characteristics of the appeal site and the Council considers this judgement to be correct.
10. With regard to a lack of discussion on the application, the Council disagrees and can supply records to substantiate that discussions have taken place on a number of occasions, mainly via telephone.
11. As such the Council do not consider that their actions constitute unreasonable behaviour. The fact that an appeal has to be undertaken is not a reason to award costs.

Reasons

12. Paragraph 030 of the Planning Practice Guidance (the PPG) indicates 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.
13. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.
14. In this instance, having reviewed the evidence and the timeline for the planning application, I find no area that the Council has behaved unreasonably. They have negotiated with the applicant through the process. They have produced a measured justification for their reasons for refusal.
15. I have found that the Council’s concerns with regard to the information supporting the application were justified, albeit that my professional judgement was different from the Council in this instance.
16. Consequently, a refusal could be justified, and an appeal was necessary. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.
17. The application for an award of costs is refused.

Paul Cooper

INSPECTOR