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## Costs Decision

Site visit made on 4 February 2025

by **H Senior BA (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 July 2025

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### **Costs application in relation to Appeal Ref: APP/T2350/W/24/3355863 Wetters Bridge Plantation, Twitter Lane, Waddington BB7 3LG**

- 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 Hannah Jose for a full award of costs against Ribble Valley Borough Council.
  - The appeal was against the refusal to grant approval under Article 3(1) and Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of two storage containers on legs, painted dark green and clad in natural timber.
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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. The PPG states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal.
3. The applicant alleges that the Council has acted unreasonably on several matters, both procedural and substantive. These include that as the site does not lie within a National Landscape the first reason for refusal is invalid, the Council have assessed matters not relevant to its consideration of an application made under Class E, Schedule 2, Part 6 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), and casts doubt on the integrity and authenticity of the applicant, the Council have not responded to the supporting case relating to flood risk, the Council have mis-applied the provisions of the GPDO and that the Council did not apply the two-stage procedure for prior approval applications for forestry development.
4. The Council in their response explain that the reference to the site being within the Forest of Bowland National Landscape on the Reason for Refusal was an error and the site was assessed as being within the setting of the National Landscape in the text of the officer report. Having regard to the officer report it is clear that the setting of the National Landscape was considered during the assessment of the proposal. This is not therefore unreasonable behaviour.

5. The Council in its decision made reference to and took into account the planning history of the site to determine whether the proposal would be reasonably necessary for forestry operations. Their deliberations do not appear to be based on substantive evidence relating to the proposal before me. Therefore, in this very limited aspect, the Council have acted unreasonably by including this element in their assessment of the proposal. However, this unreasonable behaviour has not resulted in additional work or costs by the applicant, over and above that necessary for submitting the appeal and the costs application.
6. Whilst flooding is not a criteria for consideration of prior approval under Schedule 2, Part 6 Class E of the GPDO, the appellant submitted a Flood Risk Assessment. This was considered and taken into account by the Council in their officer report and statement of case. The Council made its assessment on the information available at the time, I therefore do not find this approach unreasonable.
7. The Council found that the proposal failed to demonstrate that the development would be reasonably necessary for the purposes of forestry. They then went on to consider that the proposal was unacceptable in terms of its siting, design and external appearance. Although they did not notify the applicant that the proposal required prior approval and ask for additional information, the onus is on the applicant to submit any necessary information the Council would need to determine the application. I do not therefore find that the Council's approach to be unreasonable.
8. Consequently, the matter was one of a fundamental disagreement between the parties which could have only been resolved by way of an appeal. As such unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, an award of costs is not justified.

*H Senior*

INSPECTOR