
Costs Decision

Site visit made on 10 September 2025

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2025

Costs application in relation to Appeal Ref: APP/T2350/W/25/3368139

Land south of Accrington Road, Whalley Easting (x) 373577 Northing (y) 436047

- 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 Oakmere Homes (NW) Ltd for a full award of costs against Ribble Valley Borough Council.
 - The appeal was against the refusal of planning permission for the erection of 17 dwellings and 57 apartments with associated access, roads, car parking, landscaping and infrastructure, including a public car park to serve Whalley town centre.
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Decision

1. The costs application is allowed and full costs are awarded.

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 is made on both procedural and substantive grounds. The claim is made on the basis that the Council refused to grant planning permission against the recommendation and advice of the Director of Economic Development and Planning, the Local Highway Authority and the Council's independent viability appraiser. The claimant notes that the Council withdrew both of its reasons for refusal after the appeal had been submitted.
4. A Local Planning Authority is at risk of having costs awarded against it amongst other examples where it withdraws any reason for refusal or where it acts to prevent or delay development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations.
5. In this case, the application was refused at planning committee against the advice of officers who had recommended that the application be approved, subject to the satisfactory completion of a legal agreement and subject to conditions. The reasons centred around the lack of provision of affordable housing and concern that insufficient junction modelling had been provided to demonstrate that there would be no cumulative measurable adverse and severe impacts upon the safe operation of the immediate highways network.

6. However, within the committee report officers advised that it was considered that sufficient evidence has been provided to demonstrate that the delivery of a policy compliant level of on-site affordable housing would render the development unviable. It was also the case that the Officer report made it clear that the Local Highway Authority had raised no objection to the proposal.
7. Whilst there is nothing in principle unreasonable in planning committees coming to alternative conclusions to Officers, there must be clear and justified reasons for doing so, particularly where a consultee of the Council has suggested a development would be acceptable with regard to its area of expertise.
8. Nothing compelling appears to have been put forward to justify refusing the application on the basis on which it was. The Council later withdrew its two reasons for refusal via its appeal statement of case.
9. Whilst I accept that the appellant has supplied additional highways modelling and further justification against the reasons for refusal with their appeal, they are within their rights to do so and in any event, critically, the evidence indicates that at the time of the Council's decision the proposal should have been approved at that point.

Conclusion

10. Subsequently, there is evidence of unreasonable behaviour by the Council which has led the appellant to incur unnecessary or wasted expense in the appeal process. A full award of costs is therefore justified.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Ribble Valley Borough Council shall pay to Oakmere Homes (NW) Ltd the costs of the appeal proceedings described in the heading of this decision, such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Ribble Valley Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

T Burnham

INSPECTOR