APP/T2350/W/20/3253310

Appeal by Oakmere Homes (NW) Ltd against the failure of Ribble Valley Borough Council to give notice of its decision within the prescribed period on an application for full planning permission for the erection of 39 no. dwellings with landscaping, associated works and access from the adjacent development site

Application for a full award of costs against Ribble Valley Borough Council

3rd August 2020

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1. The Appellant wishes to make an application for a full award of costs against Ribble Valley Borough Council. It considers that the Council has behaved unreasonably in failing to grant planning permission and this has caused the Appellant to incur unnecessary and wasted expense in pursuing an avoidable appeal.

2. Planning Practice Guidance explains that;

   i) The aim of the costs regime is to…...encourage local planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case and not to add to development costs through avoidable delay;[1]

   ii) Costs may be awarded against a party who has behaved unreasonably and caused another party to incur unnecessary or wasted expense in the appeal process;[2] and,

   iii) Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:
   - preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations;
   - failure to produce evidence to substantiate each reason for refusal on appeal;
   - acting contrary to, or not following, well-established case law; and,
   - not determining similar cases in a consistent manner.[3]

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[1] Paragraph: 028 Reference ID: 16-028-20140306
[2] Paragraph: 030 Reference ID: 16-030-20140306
[3] Paragraph: 049 Reference ID: 16-049-20140306

3. The relevant facts to be taken into consideration are as follows;

   i) The Council identifies conflict with Key Statement DS1 and Policies DMG2 and DMH3 of the Core Strategy as the sole reason why it would have refused planning permission.

   ii) The claimed conflict is also limited to the narrow 'in principle' issue of whether the proposed development should properly engage part one or part two of Policy DMG2. It is not the Council's case that there is any conflict with the detailed qualifying aspects of either Key Statement DS1 or Policy DMG2 and it does not contend that the proposed development is not i) accessible to social and physical infrastructure in Clitheroe; ii) closely related to the main built up area of Clitheroe; iii) appropriate to the scale of Clitheroe, and iv) in keeping with Clitheroe.

   iii) The Council has adopted this stance contrary to the position it previously adopted in relation to Policy DMG2 in the Henthorn Road and Chatburn Old Road appeals, and at the HED DPD Examination in Public. Both appeals were allowed on the basis that i) there was no conflict with the development plan, which carried full weight, and ii) the tilted balance was not engaged. Costs were awarded against the Council on the grounds of misapplying Policy DMG2 in both cases. Copies of these Costs Decisions are appended to this claim.

   iv) Section 5 of the Appellant's Statement of Case provides evidence of the Henthorn Road and Chatburn Old Road appeals and at the HED DPD Examination in Public, where the Council has consistently confirmed that Key Statement DS1 and Policy DMG2 (in accordance with the Core Strategy Glossary definition of its terms) are i) permissive, ii) to be applied flexibly and iii) do not prevent qualifying market housing development, by way of 'expansion' or 'consolidation', from taking place in the countryside adjoining the settlement boundaries at Principal Settlements.

   v) In seeking to set aside these appeal cases and previous decisions (where the Council has permitted market housing development outside settlement boundaries in accordance with the first part of Policy DMG2) the Council considers that Policy DMG2 should now, by contrast, be interpreted differently, describing it as being 'in its truest sense' (paragraph 8.5 of its Statement of Case). The consequence of this new interpretation is that the first part of the policy is said not to be engaged and it is only the second part which applies.

   vi) The Appellant strongly disagrees with this approach and considers that the Council's re-interpretation / reinvention of adopted development plan policy is incorrect and legally erroneous, and cannot be utilised by a decision-maker for the purposes of properly determining the appeal in accordance with s.38(6) of the Planning and Compensation Act 2004. The reasons for this are;

      a) On the established basis that a decision maker must properly understand a policy in order to have lawful regard to it, a meaning and/or interpretation which is erroneous from the objective reading of its wording, cannot be utilised and applied;

b) In this appeal, the understanding and interpretation of Policy DMG2 is qualified by the terms ‘extension’, ‘consolidation’ and ‘rounding off’ which appear in the wording. The objective meaning which is intended to be given to these terms, and therefore the interpretation and application of Policy DMG2 as conceived when the Core Strategy was drafted, is provided by the definitions contained in the Glossary. The terms of the Glossary necessarily form part of the adopted development plan. It must be given full weight and it cannot be severed from the reading and consideration of Policy DMG2, and nor can Policy DMG2 be properly understood, interpreted and applied without referring to the terms contained in the Glossary;

c) By reading the Glossary definitions of the ‘extension’, ‘consolidation’ and ‘rounding off’ terms used within Policy DMG2, it is clear that it is not intended to, and cannot, be applied as a binary mechanism as the Council is now suggesting, such that a proposed development which is “in” a settlement boundary is compliant, and one which is “not in” i.e. outside a settlement boundary is, by default, a conflict with the policy.

d) If the Council’s new interpretation were correct, namely that Policy DMG2 is no more than a simple spatial policy which solely directs new development to locations “in” settlement boundaries and nowhere else, then there would be no purpose or reason for the Core Strategy to contain Glossary definitions to explain (to a decision-maker) the meaning of the terms ‘consolidation’ and ‘expansion’ relative to the settlement boundary. Only the term ‘rounding off’ and its Glossary definition would make sense in that scenario. It will be noted that ‘rounding off’ is not a matter that falls for consideration in this case.

vii) The Appellant maintains that it is therefore very clear the correct and only meaning of “in Principal Settlements and Tier 1 Villages” as it appears in Policy DMG2, does not literally mean “in” and nowhere else. It means “in” as qualified by the Glossary definitions of the terms contained in the policy and this was clearly the intention in the mind of the policy maker at the time it was drafted.

4. The Appellant considers that an award for the recovery of its full costs of the appeal is therefore justified as the Council has failed to;

- approve development which should clearly be permitted in accordance with the development plan, national policy and all other material considerations;
- produce evidence to substantiate its new interpretation of Policy DMG2 whereby the proposed development should be considered against part two of the policy and not part one;
- follow the principles of well-established case law concerning the correct interpretation and application of relevant development plan policy; and,
- determine similar cases in a consistent manner whereby the Council has not produced any evidence to justify why its evidence and position in the Henthorn Road and Chatburn Old Road appeals and the Inspectors’ decisions in those cases should be set aside. The Council also relies on appeal decisions which are not comparable to this appeal.

5. We therefore respectfully request that a full award of costs against the Council is granted.

The Planning Inspectorate

Costs Decision

Inquiry Held on 8 – 10 May 2019
Site visit made on 10 May 2019

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 19th June 2019

Costs application in relation to Appeal Ref: APP/T2350/W/19/3221189 Henthorn Road, Clitheroe, BB7 2QF

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Gladman Developments Limited for a full award of costs against Ribble Valley Borough Council.
- The inquiry was in connection with an appeal against the refusal of outline planning permission for the erection of up to 110 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Henthorn Road.

Decision

1. The application for an award of costs is partially allowed, in the terms set out below.

Reasons

2. 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 local planning authorities are at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal.

The submissions for Gladman Developments Limited

3. The appellant's submissions were made in writing at the Inquiry. The basis of the claim for costs is that the Council acted unreasonably by failing to provide evidence to substantiate the matters referred to in the reason for refusal and not having regard to an appeal decision for residential development on land immediately to the north east of the appeal site (Ref APP/T2350/A/11/2161186) with access off Henthorn Road which considered matters relating to sustainability and accessibility.

4. In particular, the appellant considers that there was no attempt to in the appeal to justify conflict with Policy DMG2 of the Core Strategy 2008-2028 - A Local Plan for Ribble Valley (Core Strategy). This policy relates to development outside the settlement limits of Clitheroe. At the Inquiry the Council accepted that there would be no conflict with the provisions of this policy.

5. The Council also accepted that the concerns identified in the reason for the refusal of outline planning permission regarding access to the town centre by

cycling are unevidenced. The Council's sole case related to a view about a lack of accessibility by walking and by bus, with the latter not being identified in the reason for refusal of outline planning permission. The appellant considers that the Council has placed an over-reliance on arbitrary figures regarding acceptable walking distances. It also failed to take appropriate account of the content of the submitted planning obligation that secures the continuation of the bus service until 2026.

6. The appellant also considers that the Council's case on accessibility did not cogently explain why the appeal site is different from the neighbouring two sites where development has recently taken place and which were permitted in one case on appeal and in the other by the Council.

7. As a consequence of the above, the appellant considers that the failure of the Council to even try to defend aspects of the reason for refusal and the failure to provide substantive evidence on some matters it still pursued, including explaining why the appeal site is different from the neighbouring site, is unreasonable conduct. Such unreasonable conduct is considered by the appellant to have caused the incurrence of unnecessary expense. Furthermore, if the abandoned points had not been cited as part of the reason for refusal and the insubstantial case on the remaining points had not been pursued, taking into account similar adjacent case, then an appeal would not have been necessary. As such, the appellant considers that a full award of costs is justified.

The response by Ribble Valley Borough Council

8. The Council provided a handwritten response to the cost claim which was supplemented orally during the Inquiry. It is acknowledged that Policy DMG2 was not pursued but considers that the Development Plan had to be considered as a whole in addressing this matter. Therefore, this did not result in additional expense. The Council also accepts that cycling accessibility was also not pursued. However, Key Statement DMI2 of the Core Strategy was pursued with refence to walking and, as such, constitutes the policy basis for the consideration of accessibility issues. In considering Key Statement DMI2 as a whole, the Council considers that it would have been inconceivable for the appellant not to have addressed cycling in the assessment of all matters of accessibility.

9. The Council considers that the preferred walking distances as set out in the Chartered Institute of Highways and Transportation document 'Guidelines for Providing for Journeys on Foot' are not arbitrary and are well recognised as material considerations. In addition, Lancashire County Council, in its capacity as highway authority saw the proposed development as being at the 'extreme end' of accessibility for walking purposes.

10. With regard to the bus service, the Council considers that the planning obligation only guarantees the provision of the service until 2026 and it cannot be concluded that the appeal site will have access to a regular bus service beyond that date. Furthermore, with regard to the neighbouring site granted on appeal, the Inspector envisaged a 'high quality' bus halt on Lune Road which has not been provided, nor has the lighting of the route to the Leisure Centre which would be used by the prospective residents of the appeal site.

Reasons

11. Despite conflict with Policy DMG2 being identified in the reason for the refusal of outline planning permission there was no attempt by the Council in the appeal to justify conflict with this policy. Although the proposed development lies outside of the settlement limits of Clitheroe, the Council advised that this policy is permissive of development that adjoins the settlement boundary as this constitutes consolidation and expansion of the settlement.

12. Taking into account the Council's views at the Inquiry that there would be no breach of this policy, I can see no reasonable justification for its inclusion in the reason for refusal. Consequently, I consider that the reference to a breach of Policy DMG2 constitutes unreasonable conduct that caused the appellant to incur unnecessary expense in providing evidence to demonstrate that there was no such breach.

13. The reason for refusal specifically mentioned that the site had a lack of cycling access to the town centre. Notwithstanding the Council's view that Key Statement DMI2 needed to be considered holistically, there was a clear emphasis within the reason for refusal that cycling access was inadequate. Consequently, there was an understandable requirement for the appellant to address cycling issues in depth in the Inquiry.

14. With regard to cycling, the Council only identified that there were inadequate cycle parking facilities in the town centre. This matter was not referred to in the reason for refusal. No evidence was provided to substantiate the assertion in the reason for refusal that the site has a lack of cycling access to the town centre. In respect of the Council's only concern regarding a lack of facilities, the submitted planning obligation provides for a financial contribution to the cost of providing additional cycle parking facilities. This appropriately addresses the Council's only identified concern on this matter.

15. However, no evidence whatsoever was provided to justify the Council's position regarding a lack of cycling access from the site to the town centre as set out in the reason for refusal. Consequently, I consider that the unjustified reference to inadequate cycling access to the town centre constitutes unreasonable conduct that caused the appellant to incur unnecessary expense in providing evidence to demonstrate that cycling accessibility was adequate.

16. With regard to the bus service, this was not a matter specifically identified in the reason for refusal but was raised in evidence at the Inquiry. The Council's concerns relate to the fact that the 'quality bus stop' had not been provided and that service may not continue beyond 2026. No evidence was provided to suggest that there was any breach of the planning obligation attached to the permission for the site to the north east that was granted on appeal and which provided for the 'quality bus stop'.

17. The appellant identified that it was a matter for the highway authority to determine what they considered to be an adequate bus stop and no other evidence was provided that would enable me to take a contrary view. Whilst I was led to believe that a post and sign is shortly to be provided there were no plans by the highway authority to install a shelter. No evidence was provided by the highway authority to suggest that the form of bus stop currently provided is inadequate.

18. The submitted planning obligation would enable the continuation of the bus service until 2026. The provision of 5 years initial funding to enable the establishment of public transport patronage is reasonable and is not uncommon. The obligation effectively means that by 2026 a bus service serving the area in the vicinity of the appeal site would have been secured for 10 years (from 2016 to 2026). Whilst I accept that there can be no guarantee that the service would be sustained beyond 2026, the 10 year period that it would be in operation is more than adequate for public transport travel patterns and bus patronage to be established.

19. Consequently, I consider that the Council failed to appropriately substantiate its concerns regarding bus service provisions and did not appropriately take into account the provisions of the planning obligation that secured its provision until 2026. The view that bus service would be inadequate, the possible discontinuation of the bus service after 2026 and the fact that the bus stop provided was not a 'quality stop', despite no breach of any planning obligation being identified, are not substantive matters on which to conclude that accessibility by public transport was poor. Moreover, no reference to any inadequacy in public transport provision was identified in the reason for refusal.

20. As such, I consider that the lack of justification in alleging inadequate bus service provision constitutes unreasonable conduct. This caused the appellant to incur unnecessary expense in providing evidence to demonstrate that the bus service provision was adequate.

21. Turning to the matter of walking, both parties referred to guidance documents that provided various distances as to what constitute an appropriate walking distance. These documents predominantly refer to preferred distances. I consider that there is some subjectivity as to the distances that people may prefer to walk. Consequently, I consider that the distances set out in various documents are a guide only and cannot be applied prescriptively. The highway authority considered that the site was on the limit of accessibility. It lies approximately 2km from the town centre. As such, it was not unreasonable for the Council to raise concerns regarding walking accessibility in the reason for refusal.

22. The views of the Council regarding walking accessibility were relevant to the provisions of Key Statement DMI2 of the Core Strategy and were substantiated in the evidence provided in the appeal. I consider that that the Council had reasonable concerns about the accessibility of the appeal site to the town centre by means of walking which partly led to the decision to refuse the application. Accordingly, I do not find that the Council failed to properly consider the merits of the scheme with regard to walking accessibility and therefore the appeal could not have been avoided in this regard.

23. The Council identified in the response to the cost claim that street lighting had not been provided to pedestrian route to the Leisure Centre from the adjacent Blakewater Road development to the north east of the appeal site. However, no breach of any planning conditions or obligation was identified. In my view this matter has little relevance in my consideration of the application for an award of costs. I have therefore attached no weight to these concerns in my consideration of this costs application.

24. With regard to the appeal decision on the neighbouring site (Ref APP/T2350/A/11/2161186) it is an established planning principle that each

planning application has to be considered on its own individual merits. However, there are clearly some similarities in the locational circumstances of that site and the appeal site in that distances and routes to the town centre are substantially the same. I recognise the appellant's concerns regarding this matter.

25. However, I have found above that the Council's concerns regarding walking accessibility were founded on a reasonable basis. I concur with the views of the highway authority that the site is at the extreme limit of walking accessibility. As such, I do not consider that the Council failed to take into account the appeal decision on the adjacent site in respect of walking.

26. It is clear from the evidence provided that the consideration of the relevance of other appeal decisions can be subjective. Just because I have found differently from the Council regarding walking distances does not mean to say that the Council's concerns had no basis. Accordingly, I do not find that the existence of the appeal decision on the adjacent site suggests that the Council failed to properly consider the merits of the scheme before me.

27. Finally, the appellant suggested that the Council could not demonstrate a five year supply of land for housing (HLS). Both main parties produced substantial evidence with regard to this matter. The dispute with regard to HLS was raised at the discretion of the appellant to which the Council produced adequate evidence to substantiate its position. Consequently, there is no basis for any award of costs in relation to this matter.

Conclusion

28. The Council's reason for refusing planning permission, as set out in its Decision Notice, specifically referred to matters of cycling and walking accessibility and identified conflict with a planning policy relating to the location of development outside of settlements limits. In providing no substantive evidence to support that part of the reason for refusal relating to cycling and in respect of a perceived conflict with Policy DMG2, I find that the Council behaved unreasonably in reaching its decision.

29. The Council partly relied on a deficiency in bus service provision which was not specifically identified in the reason for refusal in the same way that concerns regarding cycling and walking were. The bus service is already operational and would continue to be subsidised for a further five years under the terms of the submitted planning obligation. In respect of this matter, I consider that the Council acted unreasonably by failing to appropriately take into account the provisions of the obligation and the benefits that it would provide in securing public transport provision up to 2026.

30. I do not consider that any award of costs is justified with regard to matters relating housing land supply or accessibility by means of walking. Consequently, a full award of costs is not justified.

31. However, I conclude that a partial award of costs, to cover the expense incurred by the applicant in contesting those parts of the Council's reasons for refusal and case relating to conflict with Policy DMG2, cycling and bus accessibility is justified

Costs Order

32. 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 Gladman Developments Limited the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in contesting the Council's reasons for refusal, which concerned alleged conflict with Policy DMG2 and matters relating to cycling and bus service provision in relation to Key Statement DMI2 of the Core Strategy.

33. The applicant is now invited to submit to the 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. In the event that parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Stephen Normington

INSPECTOR

The Planning Inspectorate

Costs Decision

Hearing Held on 8 October 2019
Site visit made on 8 October 2019

by Graeme Robbie BA(Hons) BPl MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 January 2020

Costs application in relation to Appeal Ref: APP/T2350/W/19/3223816 land to south of Chatburn Old Road, Chatburn, Clitheroe, Lancashire
Easting: 376585 Northing: 443959

- 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 Rod Townsend (Nest Housing) for a full award of costs against the Ribble Valley Borough Council.
- The hearing was in connection with an appeal against the refusal of permission in principle for residential development of up to 9 dwellings.

Decision

1. The application for an award of costs is allowed partially, in the terms set out below.

Reasons

2. Planning Policy Guidance (the Guidance) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and the unreasonable behaviour has direct caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. Applications for an award of costs against a local planning authority may be substantive, relating to the planning merits of the appeal, or procedural, relating to the appeal process. The appellant's claim is made on substantive grounds in that the Council prevented or delayed development which should clearly be permitted, having regard to the development plan, national planning policy and other material considerations and that the Council had not determined similar cases in a consistent manner.

4. The applicant has provided a timeline setting out key dates in relation to the appeal proposal, a subsequent resubmission of the application for permission in principle and the examination of the 'Housing and Economic Development' Development Plan Document (HEDDPD). The Council do not contest the dates set out or indeed the content of the wider timeline, but instead state that steps had been taken to clarify the Inspector's decision in response to the Henthorn Road appeal decision[1].

5. I do not have any details of what steps might have been taken by the Council in this respect. But, on the basis of the timeline provided, whilst it is clear that the Council's approach to Core Strategy (CS) policy DMG2 as set out during

[1] APP/T2350/W/3221189 – Henthorn Road, Clitheroe

examination into the HEDDPD post-dated their consideration of the appeal proposal, that approach was further explored during the Henthorn Road appeal, at which point the Council conceded the revised approach to CS policy DMG2.

6. Although I accept that the Council ultimately set out a clarified position regarding CS policy DMG2[2] this came at a relatively late stage in the appeal process. Whilst there does not appear to be an extended period of inactivity in the exchanges of submissions between the main parties, the Council nonetheless had apparent opportunity to confirm to the appellant its shift in position regarding interpretation of CS policy DMG2 and the key terms therein.

7. It did not do so, and the appellant sought to rebut the Council's approach to this matter as a consequence. The SPS was an attempt to clarify matters but it came too late in the process to avoid the appellant's need to rebut the Council's statement, which clearly set out an alternative position to that which it had previously taken in relation to these other matters. Although the Council's attempt to clarify this matter should be noted and welcomed, coming as it did late in the appeal process it was a matter which the appellant felt could not be avoided and which required discussion at the hearing. An earlier clarification, which on the evidence could have been possible, may have avoided this matter.

8. The evidence leads me to conclude that the Council's late clarification of this matter, which had been considered on two separate occasions and for which the Henthorn Road Inspector provided additional guidance, amounted to unreasonable behaviour which entailed unnecessary expense by the appellant. However, putting aside the Council's approach to the 'consolidation, expansion or rounding off' of principal and tier 1 settlements as set out by CS policy DMG2, that policy also requires proposals to be closely related to the main built up areas of those settlements. The Council's subsequent shift towards reliance on this strand of DMG2 was not unreasonable and, as it requires a judgement to be made, a conclusion can be made either way provided justification can be made. I disagree with the Council for the reasons I have set out in my decision in this respect, nor am I persuaded that there were significant material differences between Henthorn Road circumstances and those of the appeal site, but I am satisfied that sufficient justification for the Council's conclusion was provided.

9. Although I have concluded that the proposed development would be sufficiently closely related to the settlement, I do not consider that the Council acted unreasonably in reaching the conclusion that they did. Nor, having regard to the provisions of CS policy DMH3, which was also referred to in the reason for refusal, did they act unreasonably in assessing the proposal against the relevant 'open countryside' criteria set out in that policy. As in relation to CS policy DMG2, I have reached a different conclusion, but that does not render the Council's approach or assessment in this respect unreasonable. It cannot therefore follow that the appellant has incurred unnecessary.

10. It is a well established approach that each and every planning application must be considered on its own merits. I do not therefore consider that the Council acted unreasonably in terms of 'not determining similar cases in a consistent manner. Although in my decision I have not found in favour of the Council's case, I am satisfied that in relation to CS policy DMH3 and DMG2 insofar as it

[2] Supplementary Planning Statement 20.07.19 (SPS)

relates to assessment of the degree to which the appeal site is closely related to the settlement, the Council have not acted unreasonably and prevented development which should clearly have been permitted. However, the clarification of key terms set out in CS policy DMG2 was not made as early as it could have been in the appeal process. From the evidence this amounted to unreasonable behaviour on the Council's part and entailed unnecessary expense for the appellant. For these reasons a partial award of costs in relation to the appellant's expense incurred in relation to the implications of the late clarification of these key terms is 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 District Council shall pay to Mr Rod Townsend (Nest Housing), the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred as a consequence of the Council's late clarification of key terms of CS policy DMG2.

12. The applicant is now invited to submit to Ribble Valley District 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. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

13.

Graeme Robbie

INSPECTOR