



Costs Decision

Site visit made on 18 September 2012

by R E Watson BA (Hons)

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

Decision date: 9 October 2012

Costs application in relation to Appeal Ref: APP/T2350/D/12/2181512 8 Rogersfield, Langho, BB6 8HB

- 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 J Shaw for a full award of costs against Ribble Valley Borough Council.
 - The appeal was against the refusal of the Council of planning permission for 2no. dormers to house new study/dressing rooms and erection of new lean-to orangery.
-

Decision

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

Reasons

2. I have some sympathy with the main thrust of the Appellant's argument. Bearing in mind the circumstances of the site and the concern of the Council that the proposed development would have an adverse visual impact, I would have expected the Officer's Report to make some reference to the presence of the tall, dense boundary and the garden trees. They are material considerations which have featured prominently in my own assessment.
3. However, the planning decision in this case turns on matters of subjective judgement. Clearly, the Council's judgement was that the effect of the extension proposed to the south gable would have an unacceptable impact on the setting and appearance of this corner plot. I have not supported their view, but they are fully entitled to draw that conclusion. Although the omission of explicit detailed references to the hedge and trees in the Officer's Report is surprising, I note the Council's response that this does not mean that these site factors were not placed into the balance of considerations which led to their decision. Bearing in mind the precise wording of the Reason for Refusal, I am satisfied that the Council did not fundamentally fail to meet the requirements set out in paragraph B15 of Circular 03/2009.

Conclusion

4. I conclude, therefore, that they did not behave unreasonably in this case and that their behaviour did not cause the Appellant to incur unnecessary expense.

RE Watson

Inspector