



Costs Decision

Site visit made on 10 February 2012

by Julie Dale Clark BA (Hons) MCD DMS MRTPI

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

Decision date: 20 February 2012

**Costs application in relation to Appeal Ref: APP/T2350/D/11/2167210
Strathaven, Whalley Road, Billington, Lancashire BB7 9LG**

- 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 Miss Amanda Mallet for a full award of costs against Ribble Valley Borough Council.
 - The appeal was made against the refusal of planning permission to install a new window to the side elevation.
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Decision

1. I refuse the application for an award of costs.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only 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. Whilst the reason for refusal is relatively brief I consider it to be sufficiently succinct to convey the Council's concerns with the window. The issue is one of privacy and the reason for refusal together with the Council's delegated report make it perfectly clear that the effect of the window to the privacy of the front garden and the bay window were of concern.
4. The appellant was informed by the Council to cease work before the window was completed; a planning application was submitted and whilst I disagree with the Council's view I see nothing unreasonable in its actions. I consider that the appellant has simply exercised her right to appeal against the Council's refusal of planning permission and I see nothing in the Council's handling of the appeal that has resulted in unnecessary or wasted expense.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009, has not been demonstrated.

J D Clark
INSPECTOR