

Planning Committee

Wednesday 6 October 2021

Late Observations Schedule

Agenda Items

<u>Item</u>	<u>Comments</u>
-------------	-----------------

- | | |
|---|---|
| 5 | The costs decision in respect of Appeal 1 at Home Farm has now been received and is attached below. |
|---|---|

Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
-------------	---------------	---------------------

- | | | |
|---|---------|------------------------------------|
| 2 | 21/0440 | <u>Parish Council Confirmation</u> |
|---|---------|------------------------------------|

The Parish Council have sent an email that expresses the view that they: “tender our apologies to the Planning Committee this Wednesday, due to commitments none of the PC members are available however, the Parish Council's position remains as stated in our formal response to 21/0440.”

- | | | |
|---|---------|---------------------------|
| 3 | 21/0598 | <u>Updated Conditions</u> |
|---|---------|---------------------------|

Since the publication of the agenda the council has been supplied with information regarding the proposed materials of construction of the dwelling which is acceptable. This has allowed the wording of condition 3 on the agenda papers to be revised from one that requests this information to one that approves the information that is now submitted and requires that this be used in the implementation of the development. Condition 2 is also revised to include this information in the list of conditions.

It is suggested that the following wording for condition 3 be substituted for that on the agenda papers:

Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the submitted proposed materials schedule (drawing no. 1103) listed in condition 2 to this planning permission.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with Policy GD7 of the Fylde Local Plan to 2032.

Costs Decision

Site visit made on 10 August 2021

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 28 September 2021

Costs application in relation to Appeal Ref: APP/M2325/W/21/3267270 Home Farm, Watchwood Drive, Lytham St Annes, Lancashire FY8 4NP

- 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 Home Farm Lytham Limited for a full award of costs against Fylde Borough Council.
 - The appeal was against the refusal of planning permission for erection of dwelling and garaging, re-instatement of the wall and walled garden and vehicular access to same.
-

Decision

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

Reasons

2. National Planning Practice Guidance (NPPG) 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. The Council, both Officers and the Planning Committee, had due regard to all relevant local and national planning policies. The Committee would have been able to read for themselves the wording of FLP policy H6 and cannot have been misled by Officers. The Council made no claim that any harm would be caused to the significance of Lytham Hall, only to the Lytham Hall Park and Garden within which the appeal site is situated. They properly considered the historic significance of the heritage asset and the weight to be afforded to that significance. The second reason for refusal of the application flowed from that consideration and is clear and precise. The reasons for refusal of the application have been supported by objective analysis in the Council's appeal statement, which takes account of all material considerations. No other matters mentioned in the application for costs alters the conclusion that the Council has not acted unreasonably at either application or appeal stage and that the Appellant has not therefore incurred unnecessary or wasted expense. The application for an award of costs thus fails.

John Braithwaite

Inspector