
Costs Decision

Site visit made on 28 February 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 6th April 2017

Costs application in relation to Appeal Ref: APP/T4210/W/16/3164780 Greenhalgh Fold Cottage, Whipney Lane, Tottington, BL8 4HT

- 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 Ms Sarah Bourne for a partial award of costs against Bury Metropolitan Borough Council.
 - The appeal was against the refusal to grant planning permission for a change of use from a barn to a supplementary family annex.
-

Decision

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

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.
 3. The appellant submits that the Council has acted unreasonably in that it has identified the appeal building as a 'non-designated heritage asset' despite not publishing a local list or designation criteria. The appellant further states that this consideration was not raised in pre-application advice provided by the Council.
 4. The Council has clarified that it does not currently have a published list of locally designated heritage assets. However, there is no requirement in either the National Planning Policy Framework ('the Framework') or PPG to formally designate 'non designated heritage assets' in this way. In this regard, I note that PPG states that "*in some areas, local authorities identify some non-designated heritage assets as 'locally listed'*" (my emphasis) (Ref ID 18a-039-20140306). This implies that local listing is optional, and not a requirement for a building to be considered a non-designated heritage asset. Accordingly, whether a building merits this status is a matter of planning judgement, which can be assessed at the planning application stage.
 5. With regards to the pre-application advice, the Council is not bound by advice provided at this stage. The Council was entitled to revisit this matter in determining the planning application, and it did not act unreasonably in this regard.
-

6. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Thomas Hatfield

INSPECTOR