
Costs Decision

Site visit made on 6 October 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2020

Costs application in relation to Appeal Ref: APP/V4250/W/20/3254876 Land at Park Lane, Abram, Wigan WN2 5XP

- 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 D Stott for a full award of costs against Wigan Metropolitan Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for an agricultural building.
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Decision

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

Reasons

2. The National Planning Practice Guidance (PPG) 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 PPG makes it clear that the costs regime encourages all those involved in the appeal process to behave in a reasonable way and follow good practice inclusive of timeliness and in the presentation of full and detailed evidence to support their case. The Council have indicated they would have approved planning permission for the development, and the entire appeal could have been avoided had they made the decision in a timely manner. No case is made for the significant delay incurred by the appellant by virtue of non-determination. The appellant has repeatedly made attempts to obtain a decision prior to the appeal.
4. The failure of the Council to reach a timely decision based on the planning application therefore constitutes unreasonable behaviour contrary to the basic guidance in the National Planning Policy Framework and the PPG. As a consequence, the appellant has been faced with unnecessary delay and the expense of lodging the appeal.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that an award of full costs is justified.

Costs Order

6. 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 Wigan Metropolitan Borough Council shall pay to Mr D Stott, the costs of the appeal proceedings described in the heading of this decision.
7. The applicant is now invited to submit to Wigan Metropolitan Borough 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, an application for a detailed assessment by the Senior Courts Costs Office would need to be made.

M Shrigley

INSPECTOR