
Costs Decision

Site visit made on 9 November 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2021

**Costs application in relation to Appeal Ref: APP/N4205/W/21/3275877
Land Adjacent Unit 12A, Lyon Road Industrial Estate, Lyon Road, Kearsley,
Bolton, BL4 8NB**

- 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 John Allsop (JMA Transport) for a full award of costs against Bolton Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the erection of stable block and formation of menage and hardstanding with parking area.
-

Decision

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

Reasons

2. The 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. Costs may be awarded to any party regardless of the outcome of the appeal.
3. Paragraph 047 of the PPG provides a non-exhaustive list of examples of unreasonable behaviour relating to procedural matters, such as a delay in providing information or other failure to adhere to deadlines. Substantive matters include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. Specifically, it is claimed that the Council took nine months to issue the decision to refuse the application, prior to which the applicant was given an initial indication that the application would be recommended for approval pending sign-off by a senior officer.
5. Although I appreciate the applicant is dissatisfied with the quality of service received from the Council, this is a matter between the main parties to resolve through any relevant complaints procedure. However, I have taken account of the unprecedented impact on the work environment in general associated with Covid-19 which in itself is unfortunate, rather than unreasonable.
6. While the initial feedback was indicated to be positive, the officer report constitutes a recommendation which requires agreement with a more senior officer to sign-off. In this case, the principal officer proceeded to disagree with

the findings of the case officer. While principal officers may not have visited the site, the planning officer did so and took photographs. In any event, these are matters of planning judgement and disagreement between officers at any level is not unusual, nor does it constitute unreasonable behaviour.

7. The Council's reason for refusal set out in the decision notice is complete, specific and relevant to the application with regards to these matters. It also clearly indicates that the proposal was determined in accordance with the relevant development plan policies and Green Belt Policy as per the National Planning Policy Framework.
8. Consequently, the matter was one of a fundamental disagreement between the parties which could have only been resolved by way of an appeal. Accordingly, unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified.

Conclusion

9. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, I determine that the costs application should fail, and no award is made.

C McDonagh

INSPECTOR