



Costs Decision

Site visit made on 22 February 2022

by F Rafiq BSc (Hons) MCD MRTPI

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

Decision date: 18 March 2022

Costs application in relation to Appeal Ref: APP/T4210/W/21/3283822 5 Holmfield Avenue, Prestwich M25 0BH

- 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 & Mrs Rose for a full award of costs against Bury Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the demolition of the existing dwelling and erection of a new detached single dwelling house.
-

Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has caused another party to incur unnecessary or wasted expense in the appeal process. The type of behaviour that can lead to a costs award includes substantive matters such as unreasonably refusing a planning application.
3. The applicant has set out that the development was in clear accordance with referenced planning policies and the refusal of the application failed to give weight to the fallback position. I have however found in the accompanying appeal decision that the development would be harmful to the character and appearance of the area. Although in considering the previously approved scheme, I have found in the applicant's favour, in that the proposal would result in no greater harm to the character and appearance of the area than the fallback scheme, the weight to be attributed to this consideration is a matter for the decision-maker.
4. It is evident from the Council's Delegated Report and the subsequent Appeal Statement that regard was had to the previous approval to extend the dwelling. I am therefore satisfied that the Council gave sufficient consideration to the fallback position and accordingly, I do not find that it has acted unreasonably in this regard.

Conclusion

5. With the above in mind, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is therefore not justified in this instance.

F Rafiq INSPECTOR