



Costs Decision

Site visit made on 8 March 2022

by F Rafiq BSc (Hons) MCD MRTPI

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

Decision date: 28 July 2022

Costs application in relation to Appeal Ref: APP/P4225/W/21/3281210 190 Heywood Old Road, Middleton M24 4GR

- 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 G McIntosh for a full award of costs against Rochdale Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the erection of detached single storey dwelling.
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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 appellant has made reference to a number of other approvals by the Council which are said to be material considerations in this appeal, including the granting of consent for detached dwellings¹ on separate sites close to the appeal site. I have been provided with some details of these referenced cases and whilst I can see they also proposed single storey dwellings, from the information provided, there would appear to be key differences. The site at No. 188 consisted of a stable block which would be replaced by a dwelling and in the case of No. 194, the proposed dwelling was to replace an existing garage unlike the appeal site which comprises of open garden land. As such, I have found matters that differentiate the appeal development from these referenced cases. Another permission² for up to 205 dwellings has been referenced but this is clearly a much larger scale development and not comparable to the single dwelling subject of this appeal proposal. As such, I have found the cases to not be similar and I don't consider the Council acted in an inconsistent manner.
4. It has also been raised that the Council failed to justify why the proposal should be dealt with as if it were located in the Green Belt. It is evident from the Council's Delegated Report and subsequent Appeal Statement that they acknowledge the site is not in the Green Belt, but reference local policies which

¹ LPA Reference's: 21/00736/FUL and 16/00331/FUL

² LPA Reference: 15/01183/OUT

allow for the consideration of proposals within areas of Protected Open Land to be considered acceptable, if the development would be acceptable in the Green Belt. The appellant³ has also acknowledged that it is necessary to review the Green Belt policy set out in the National Planning Policy Framework. The assessment contained within the Council's written evidence sets out their reasoning in relation to the development plan and provides a justification for its decision. I do not consider the Council has acted unreasonably.

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

³ Paragraph 6.4 of Appellant's Planning Appeal Statement of Case