
Costs Decision

Site visit made on 19 October 2022

by S Brook BA (Hons) MA MRTPI

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

Decision date: 2 December 2022

Costs application in relation to Appeal Ref: APP/W4223/W/22/3298799 10 Sycamore Cottages, Treetops Close, Dobcross, Oldham OL3 5BT

- 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 Mrs Susan Bowden for a full award of costs against Oldham Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for a detached log cabin to be used as ancillary living accommodation without complying with a condition attached to planning permission Ref PA/337483/15, dated 10 December 2015.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. PPG Paragraph 049 states that examples of unreasonable behaviour by local planning authorities include imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the National Planning Policy Framework (NPPF) on planning conditions.
4. The appellant states that the Council has acted unreasonably by seeking to retain an unnecessary condition contrary to advice of the NPPF, and that the Council has been influenced by anonymous representations that should have been given no weight. In turn, these actions have wasted time and effort and caused worry and concern for the appellant.
5. The officer report sets out clearly the Council's reasoning for the need to retain the disputed condition. In doing so, due regard has been given to the relevant policy tests for the imposition of conditions contained within the NPPF. Whilst the appellant may not agree with the conclusion reached by the Council, the Council has exercised its duty to determine the planning application in a reasonable manner. For the reasons set out in the appeal decision, I too have concluded that the condition is reasonable and necessary having regard to these policy tests. I came to that decision on the basis of my consideration of the evidence before me.

6. I have not been provided with any evidence to demonstrate that the Council has been influenced by anonymous representations. The officers report references only two representations received at the planning application stage from members of the public. These representations have been provided with the appeal documentation and clearly include the name and address of the interested parties.
7. Accordingly, I do not consider that the Council has acted unreasonably by seeking to retain a condition that did not meet the policy tests of the NPPF, or by giving weight to anonymous representations. Consequently, the appeal could not have been avoided.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is not justified.

S Brook

INSPECTOR