



Costs Decision

Site visit made on 1 September 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2023

Costs application in relation to Appeal Ref: APP/W4223/W/23/3316314 Hill Top Farm, Healds Green, Chadderton, Oldham OL1 2SB

- 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 L Dransfield for a full award of costs against Oldham Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for "the proposed erection of an indoor manege extending to circa 35m by 25m as detailed within the attached Planning Statement".
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance ('the 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.
3. The application relies on the fact Planning Officers recommended planning permission be granted for the proposal, but that Council Members took a different course of action and refused it; and the Council failed to determine the planning application within the prescribed time limits.
4. I have noted the recommendation of the Council's officers. However, the decision in respect of this issue is one that is a matter of judgement. Council Members, in this case, were entitled not to accept the professional advice of its officers so long as a case could be made for the contrary view. I appreciate that the planning committee's decision will have been a disappointment to the applicant, however, Council Members arrived at a different conclusion than their officers, which is not a basis for unreasonable behaviour. Therefore, the appeal could not have been avoided. Furthermore, following consideration of the appeal on its own merits, I have concurred with Council Members.
5. It is clear that the planning application process ran beyond the 8-week deadline and that the failure of the Council to determine the application within the prescribed timeframe will have been frustrating to the applicant. However, it appears that at least some of this was a result of the Council allowing the applicant to submit further evidence to support their case, and the time for the decision to be heard at the next available planning committee meeting in accordance with the Council's scheme of delegation. Furthermore, I have no substantive evidence that the delay experienced resulted in the applicant incurring any unnecessary or wasted expense in the appeal process.

Conclusion

6. I therefore find that unreasonable behaviour by the local planning authority, resulting in unnecessary and wasted expense, as described in the PPG, has not been demonstrated.

A Berry

INSPECTOR