



Costs Decision

Site visit made on 16 January 2024

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 02 February 2024

Costs application in relation to Appeal Ref: APP/N4205/W/23/3324134 876 Plodder Lane, Bolton BL5 1AJ

- 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 Faruk Puda for a full award of costs against Bolton Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the demolition of existing bungalow and erection of new dwelling, including erection of new detached outbuilding.
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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.
3. The PPG also states that local planning authorities are at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal or if they rely on vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. I found the evidence within the Council's planning officer report, statement of case and decision notice to adequately articulate its objections to the scheme and the reasons for refusal. These took into account the suggested permitted development fallback position, the wider context of the area and the relevant policies of the development plan. I have also had regard to the emails that were exchanged between the main parties (during March 2023) in which the Council noted the applicant's comments but then went on to set out its concerns. As such I am satisfied that the Council has provided adequate evidence to substantiate its reasons for refusing planning permission.
5. As a result of the factors above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified.

Mark Caine

INSPECTOR