



Costs Decision

Site visit made on 09 April 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 May 2024

Costs application in relation to APP/C4235/W/23/3335253

Moorend Farm, 181 Woodford Road, Woodford, Stockport SK7 1QE

- 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 P Holmes for a full award of costs against Stockport Metropolitan Borough Council.
 - The appeal was against the refusal to grant planning permission for Infill development of five bungalows (available for self-build)
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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 (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 appellant has set out that the Council's reluctance to accept the strong legal opinion provided to them in July 2023 before then issuing a refusal in September 2023 without any dialogue represents unreasonable behaviour on their part and has resulted in an unsound and unsubstantiated decision.

Substantive

4. The Council clearly placed a great degree of emphasis and weight on policy DEV1 of the Woodford Neighbourhood Plan 2019, which is part of the development plan. The development plan is the starting point for decision making and a decision must be made in accordance with it unless other considerations indicate otherwise. The Framework is one such material consideration, which the Council referred to in their delegated officer report (the DR) and reason for refusal.
5. The DR provides background to the Council's decision to refuse this application, expanding upon, and giving justification for the reason for refusal. The Council gave clear reasons as to why, in its view, the proposal did not meet the requirements of development plan policies and also referred to other material considerations, such as the Framework. A statement of case has also been prepared by the Council, significantly expanding on the relevant issues, and responding to points made by the appellant.
6. I have found that the proposal would not represent limited infilling in a village and thus it would be inappropriate development within the Green Belt and that the appeal should be dismissed. Accordingly, an appeal could not have been

avoided and it therefore follows that the applicant has not been put to unnecessary or wasted expense.

7. On the basis of the above, I consider that the Council have not behaved unreasonably in their approach to dealing with the reasons for refusal and defending its position at appeal.

Conclusion

8. For the reasons set out above, I therefore find that unreasonable behaviour resulting in unnecessary and wasted expense, as described in the PPG, has not been demonstrated. The application for an award of costs therefore must fail.

N Bromley

INSPECTOR