



Costs Decision

Hearing held on 13 August 2024

Site visit made on 13 August 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th of September 2024

**Costs application in relation to Appeal Ref: APP/N4205/W/24/3343705
Land at Ringley Old Brow, Stoneclough, Radcliffe, Bolton M26 1FR**

- 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 Gary Dent for a full award of costs against Bolton Metropolitan Borough Council.
- The appeal was against the refusal of planning permission for the erection of 1 no. 4 bed detached self-built eco-dwelling.

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 assessment of whether the construction of new buildings in the Green Belt should be regarded as inappropriate development involves the exercise of planning judgement. This is certainly the case for some matters relevant in this case such as whether the site is within a village, if the proposal amounts to limited infill, likely effects upon openness and, whether the remains of structures have blended into the landscape.
4. When assessing whether the proposal constitutes limited infill, the Council's written evidence did not specifically refer to No 4 Old Ringley Brow. I accept, therefore, that the Council may well have failed to properly take account of this property in its assessment. Regardless, the Council has submitted that the site is neither within a village nor previously developed land, and I agree. Therefore, even though the Council may have undertaken a partly inaccurate analysis of the surrounding area, it has not affected the soundness of its conclusions that the proposal would amount to inappropriate development. Overall, I find that the Council has clearly set out the reasons why it considers the proposal would constitute inappropriate development and has exercised its planning judgement in this regard in a reasonable way.
5. Openness is an essential characteristic of the Green Belt that has visual as well as spatial aspects. That the Council considers the proposal would harm the visual dimension of openness and, furthermore, would have a greater impact on openness given the site's existing extent of development, was also

reasonable. It can be seen from the formal decision that I identify that the proposal would reduce the openness of the Green Belt in both visual and spatial terms. Therefore, in relation to openness, the Council has not acted in a manner that is contrary to established case law.

6. Since it determined the planning application, the Council has clarified its position in respect of biodiversity net gain. The Council has submitted that the net gain identified should be afforded moderate weight. I have afforded greater weight to it, and my attribution of weight in relation to the other considerations to be assessed in order to determine whether very special circumstances exist differs from the Council in other respects too. However, the ascription of weight is also an exercise in judgement, and it is a matter for the decision maker's discretion. In my view, the Council's judgement has been reasonable.
7. Therefore, overall, I find that the Council has not made vague or generalised assertions about the proposal's effects, and it has adequately substantiated its reasons for refusing the planning application.
8. The applicant asserts that the Council has acted unreasonably in failing to provide timely and accurate evidence in respect of self-build housebuilding with consequential detrimental effects upon their own evidence submissions. It is also submitted that this partly necessitated the hearing procedure. The Council's Committee Report sets out that they were uncertain of the self-build housing demand and supply position at that time. At the hearing, it was apparent that the Council were still uncertain. Because of this, the applicant will have been required to take the time to undertake particular analyses in order to better understand and establish the self-build housing position. Potentially, this could have been avoided had the Council had a firmer understanding of the position.
9. Despite this, the Council has maintained that the provision of the self-build dwelling proposed, alone and in conjunction with other considerations, would not amount to very special circumstances. Therefore, even though the Council has exhibited some unhelpful behaviours in this regard, had it not, main points of disagreement between the parties in the appeal would have been likely to persist and the expenditure incurred in the appeal process has not been shown to me as being unnecessary or wasted.
10. Furthermore, I am mindful that the PPG advises that where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs for unreasonable refusal of an application. It can be seen from my formal decision that these very circumstances apply in this case.
11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Jones

INSPECTOR