



Costs Decision

Site visit made on 30 October 2024

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 6 November 2024

**Costs application in relation to Appeal Ref: APP/N4205/D/24/3346033
Hilton House Bungalow, 694 Chorley Road, Westhoughton, Bolton,
BL5 3NL**

- 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 Sue Davies against the decision of Bolton Council.
 - The appeal was against the approval of planning permission under application 17758/24 for a detached dwellinghouse but subject to conditions removing permitted development rights.
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Decision

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

Reasons

2. The Planning Practice Guidance 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 considers that the Council has acted unreasonably in that;
'The Local Planning Authority has ignored Government Policy set out in the NPPF and NPPG by restricting permitted development rights purely on the basis of the site being located in the Green Belt.
The Local Planning Authority has also ignored numerous appeal decisions in relation to conditions removing permitted developments rights being successfully overturned.
The Local Planning Authority have sought to push the decision onto the Planning Inspectorate rather than remove the conditions imposed by the previous inspectors decision which is clearly now contrary to the NPPF and NPPG'.
4. However, I have noted that the conditions removing certain permitted development rights when the dwellinghouse was originally allowed on appeal in 2008 were imposed by the Inspector in order to safeguard the openness and visual amenity of the Green Belt and so as to allow development which would otherwise not be acceptable.
5. The appellant considers that amendments to the GPDO made since that appeal decision widen permitted rights and hence a more flexible approach should be

taken to their limitation or removal. However, Green Belt policy and the need to protect openness in particular remains essentially the same, as do the six tests for the imposition of conditions. The effect of any such changes to the GPDO does not mean that there can be no circumstances which justify the removal of national permitted development rights in the Green Belt, particularly where there is clear planning policy justification to do so.

6. I have found no persuasive evidence before me to indicate that the reasons for the initial imposition of the conditions have changed, even though the current, appealed approval notice permits minor relaxations to the original appeal decision of 2008.
7. The appellant has submitted various appeal decisions where Inspectors have removed conditions which restrict permitted development rights. However, I do not consider that the local planning authority has acted unreasonably by not doing the same and when concluding that things have not changed substantially from when the Inspector imposed them in 2008 in order to allow development which would otherwise not be acceptable.
8. For the above reasons, I conclude that the applicant has not been put to wasted time and expense in pursuing the appeal. Therefore, an award of costs is not justified.

S. Hartley

INSPECTOR