
Costs Decision

Site visit made on 4 February 2025

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2025

Costs application in relation to Appeal Ref: APP/W4223/D/24/3351033

Holly Ville Lodge, Holmfirth Road, Greenfield, Oldham, OL3 7DR

- 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 & Mrs Birch for a full award of costs against Oldham Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for is the partial redevelopment of existing derelict house
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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 applicant asserts that the Council behaved unreasonably in their assessment of the planning application in a number of ways, which are set out in detail in their statement of case. As a result of the subsequent refusal of the application, they contend that expense has been involved in the preparation and submission of an appeal which could otherwise have been avoided.
4. In the applicant's view, the Council did not assess the application correctly against Green Belt policy set out in paragraph 154 of the National Planning Policy Framework. For the reasons set out in the Appeal Decision, I disagree. The Council's consideration of the application under paragraph 154c (relating to the extension and alternation of a building) was appropriate and justified, given the nature and form of the development proposed.
5. The applicant has also suggested that the Council did not give weight to supporting planning policies, specifically various aspects of the Framework. However, applications should be determined in accordance with the development plan, and the Council's delegated report refers to relevant policies dealing with amenity, design and trees.
6. The Framework is a material consideration, and the Council assessed the proposal against that part of the document which was most directly relevant, namely policy for the protection of Green Belts. In an application for a small scale development such as this, it was not necessary for the Council to carry out a forensic analysis of

the Framework, and some of the aspects identified by the applicant, such as support for new housing on small sites and the reuse of brownfield land in settlements, are not directly applicable to the scheme.

7. As the Council concluded that the scheme did not accord with the development plan, the presumption in favour of sustainable development set out in Framework paragraph 11 did not apply.
8. Whilst the Council did not refer in detail to the appellant's permitted development alternative, as far as I am aware they had seen the documents provided as part of the appeal submission, and took them into account in coming to their decision.
9. The Council has conceded that two representations were incorrectly labelled as objections rather than neutral comments. The planning officer's report does not attribute any harm in relation to the matters raised, and this appears to have been simply an administrative error, which made no difference to the Council's decision.
10. I conclude that unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award of costs is not justified and the application for costs is refused.

R Morgan

INSPECTOR