



Costs Decision

Site visit made on 4 March 2025

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Costs application in relation to Appeal Ref: APP/V4250/W/24/3350720

20 Prospect Street, Tyldesley, Wigan M29 8SU

- 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 Ryan Wrigley for a full award of costs against Wigan Council.
 - The appeal was against the refusal of planning permission for the Change of Use from Funeral Directors to House in Multiple Occupation with 8 bedrooms for 8 persons together with first floor gable window and external alterations.
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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 has set out that the Council in making their decision went against the clear advice of its highway officer. The Council's delegated report however acknowledges the lack of objections from the Council's Transport Policy consultee on matters relating to highway and pedestrian safety. The Council's concerns relate to the impact of on-street parking pressures on the living conditions of neighbouring residents, and I do not consider the Council has acted unreasonably in this respect.
4. Reference has also been made to a previous appeal decision¹ on the appeal site, and whilst the effect on the living conditions of neighbouring occupants in terms of parking provision was considered by a previous Inspector, that proposal related to a different scheme to that which is before me. The Council in their submissions has set out why the appeal proposal for a single House in Multiple Occupation (HMO) for 8 persons would be different to the potential fallback position of two smaller HMO's. As such, given the Council has explained why it reached its decision, including by giving consideration to the different effects of two smaller HMO's, they have not acted unreasonably by making vague, generalised or inaccurate assertions.
5. There is no evidence that the decision was unduly influenced by third party representations, and although the Council's decision does not refer to certain guidance documents, it has set out an adequate level of reasoning to justify its stance, including with reference to development plan policies.

¹ Appeal Ref: APP/V4250/W/23/3331173

Conclusion

6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

F Rafiq

INSPECTOR