



Costs Decision

Site visit made on 25 March 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 April 2025

Costs application in relation to Appeal Ref: APP/V4250/W/24/3357688

1 Mesnes Park Terrace, Wigan WN1 1SU

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Owen Akhibi for a partial award of costs against Wigan Council.
 - The appeal was against the refusal of planning permission for the change of use of ground floor from dental surgery (Class E) to a five bedroom, five person, house in multiple occupation (Class C4) and retention of existing first floor and second floor accommodation (Class C3) including demolition of existing garage.
-

Decision

1. The application for a partial award of costs is allowed in the terms set out below.

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. It is alleged that the council refused the proposal for a reason that was unsupported by objective analysis and then failed to provide evidence to substantiate that reason. The reason related to highway safety. The council's Transport Policy and Highways Officer raised no objections in this regard and the minutes of the committee meeting provide little detail as to this concern. The council did not provide a statement during the appeal process and as such, other than the text of the refusal reason, no further information is available.
4. There has not been any analysis of the difference in the parking demands of the existing or proposed use. Nor has any evidence been provided that suggests or indicates what any change in parking pressure would be; or why this would lead to unacceptable impacts on highway safety.
5. Whilst it is not unreasonable for the council to take a different view to its officers if the reason for refusal can be substantiated, the council has provided no evidence to support this reason for refusal. This represents unreasonable behaviour on behalf of the council. The appellant had to address this reason for refusal as part of the appeal and this resulted in wasted expense.
6. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated. A partial award of costs is therefore justified.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Wigan Council shall pay to Mr Owen Akhibi, the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in addressing reason for refusal 1, relating to highway safety; such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The applicant is now invited to submit to Wigan Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Peter Eggleton

INSPECTOR