



Costs Decision

Site visit made on 21 March 2025

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Costs application in relation to Appeal Ref: APP/N4205/W/24/3354177

9 Tonge Fold Road, Bolton BL2 6AW

- 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 Tom Blair for a full award of costs against Bolton Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for proposed residential development.
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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. In this instance the applicant, who is the appellant, states that the conduct and level of public service received by the Council during the determination of the planning application is a clear indication of the Council acting unreasonably and has resulted in further costs which are highly unjust.
4. The appellant claims that upon receipt of the Design Officer's concerns, they reluctantly decided to remove the third-floor element of the proposal. However, before submitting amended drawings the appellant wanted to discuss the revised scheme with the Case Officer, who at the time was on annual leave.
5. The appellant comments that various attempts were made to contact the Case Officer, however before any discussion could take place the planning application was refused by the Council on 30 April 2024, a number of weeks prior to the determination date which did not expire until 29 May 2024. The appellant is therefore of the opinion that the Council acted unreasonably in failing to take a collaborative approach, as there was sufficient time remaining within the determination period to discuss the scheme and submit amended drawings.
6. In respect of the above, the matters raised by the appellant relate to procedural matters associated with the Council's handling of the planning application rather than their behaviour during the appeal. Nevertheless, I have limited substantive evidence before me in respect of the attempts that were made by either party to make contact during the planning application process.

7. Furthermore, I note that reference has been made to a pre-application submission. However, I have no details of the scheme that was submitted as part of this pre-application submission, nor have I received any details of the Council's pre-application response. As such, I am unaware of what discussions and amendments took place as a result of this pre-application submission.
8. With regard to the appellant's comment that the planning application was determined several weeks before the expiration date. The PPG¹ states that once a planning application has been validated, the local planning authority should make a decision on the proposal as quickly as possible. The Council were therefore under no obligation to wait until the statutory time limit date to make a decision on the proposal. As such, whilst I acknowledge the appellant's frustrations on this issue, I do not find the Council acted unreasonably in determining the planning application in advance of the statutory time limit date.
9. The appellant states that by issuing the refusal notice so soon, and without any appropriate dialogue, the Council denied the applicant an opportunity to withdraw the planning application. It is however not explained how this matter has resulted in any unnecessary or wasted expense to the appellant.
10. The appellant has commented on what they consider to be the Council's unreasonable assessment of the planning application. However, for the reasons given in my decision letter I have ultimately found that the appeal proposal does not accord with the development plan and therefore I do not find the Council's assessment of the application to be unreasonable.
11. The appellant has also sought to draw my attention to what they perceive to be a contradictory approach to decision making by the Council, referring specifically to a development on St Georges Road. As detailed in my decision letter, each application is determined on its own merits and very limited information has been provided in respect of the development on St Georges Road. I cannot therefore draw any comparisons between the appeal scheme and the development referred to by the appellant which would enable me to make a judgement on any perceived contradictory approach to decision making by the Council.
12. In view of all the above, I am satisfied that unreasonable behaviour has not been demonstrated and the appellant did not incur unnecessary expense in making an appeal.

Conclusion

13. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Major

INSPECTOR

¹ Paragraph 001 – Determining a planning application