



Costs Decision

Site visit made on 14 April 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 JUNE 2025

Costs application in relation to Appeal Ref: APP/W4223/W/24/3357064

Land off Stockport Road, Lydgate, Oldham OL4 4JL

- 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 Simon Leigh for a full award of costs against Oldham Metropolitan Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for erection of one detached dwelling and installation of dropped kerb.
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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 (the 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. This application essentially relies on a case that Council Officers recommended that planning permission be granted for the proposal, but that Council Members took a different course of action without suitable grounds to do so.
4. Part of the applicant's case is that no suitably qualified heritage consultant or conservation officer was engaged by the Council prior to Council Members making their decision. The evidence before me, such as the Council's Validation Checklist and advice from Historic England, relates to the applicant's responsibilities in appointing a suitably qualified person to advise on heritage matters and produce a statement accordingly. The evidence before me places no such responsibility on the Council.
5. From a review of the evidence before me, Council Members had sight of both the Council officer's report, which contained a section relating to heritage matters, and the appellant's Heritage Statement. Furthermore, the Council in their costs evidence acknowledge that some misinterpretation of evidence was made by some Members. However, this was rectified during the meeting. The meeting was video recorded, but the Planning Inspectorate is unable to accept hyperlinks to external web pages, which was provided in the appellant's evidence, and in the absence of any further evidence I have no reason to conclude that Members based their decision on misleading evidence or interpretation of that evidence.

6. The PPG indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal.
7. In this case I have noted the recommendation of the Council Officers and agree with their findings. However, the decision is one which is a matter of judgement. Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view.
8. Although brief, the reason for refusal provides an understanding of the context and reasons why Members took an alternative view to Council Officers.
9. As a result, I cannot agree that the Council has acted unreasonably in this case and placed unnecessary or wasted expense upon the applicant.

Conclusion

10. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs is refused.

L Fern

INSPECTOR