
Costs Decision

Site visit made on 30 April 2025

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 16th June 2025

Costs application in relation to Appeal Ref: APP/N4205/W/25/3360451 Weatherfield House, 2 Park Street, Farnworth, Bolton BL4 7RE

- 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 Akiba Pines for a full award of costs against Bolton Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for change of use of the second floor from attic space to 1no. four-bedroom flat together with the installation of 5no. proposed rooflights repair external render.
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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 Council's decision notice refers to, among other things, 'loss of outlook' and 'the existing dwelling'. Nevertheless, it is clear that the reason for refusal relates to adverse impact on future occupiers. Based on the evidence in the appeal, including an earlier dismissed appeal for the conversion of the same attic space, I am satisfied that the applicant was fully aware of the main issue in the appeal.
4. The applicant considers that the Council's assessment of outlook was overly simplistic and based on the previous Inspector's decision, when in fact the scheme is demonstrably different. The appeal proposal does differ including in terms of the internal layout and the size and position of rooflights. Nevertheless, as can be seen from my appeal decision, my assessment aligned with that of the Council and the amendments did not overcome the concerns of the earlier Inspector in this regard. As the Council's concerns could be readily understood, it did not behave unreasonably in regard to its assessment of outlook.
5. The Council has granted planning permission for the residential conversion of buildings elsewhere without any private outdoor space. For reasons set out in my appeal decision, the particular scheme referred to is not directly comparable to the appeal proposal. It is not unreasonable of the Council to consider each scheme on its individual merits and to reach different conclusions in different circumstances.
6. The Council's decision will undoubtedly have been a disappointment to the applicant and, as he disagrees with it, he exercised his right of appeal. As a result,

he has incurred costs in the appeal. However, I also found harm and conflict with the development plan and the National Planning Policy Framework and I dismissed the appeal accordingly. It therefore follows that the appeal could not have been avoided and the Council did not unreasonably withhold permission, taking into account the development plan and the national policy.

Conclusion

7. Therefore, I find that with reference to the PPG, unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not been demonstrated. Consequently, an award of costs is not justified in this case and the application is refused.

Sarah Manchester

INSPECTOR