



Costs Decision

Site visit made on 5 August 2025

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Costs application in relation to Appeal Ref: APP/V4250/W/25/3367174 Roadside Farm, Astley Moss, Astley, Lancashire M29 7LY

- 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 Samantha Gallagher for a full award of costs against Wigan Metropolitan Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission “to create new cat rescue and rehoming centre with associated cattery buildings with solar panels to roofs, siting of workers accommodation cabin, creation of parking area, new fencing, and retention of vehicular access, surface water culvert, and associated hardstanding.”
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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 sets out in both their application for an award of costs and throughout their appeal submissions examples of what they consider to be unreasonable behaviour on the part of the Council. Much of this is at application stage.
4. The PPG sets out situations in which the Council's handling of the planning application prior to the appeal may lead to an award of costs. That however largely refers to appeals against non-determination, which this was not.
5. In terms of overall delay to the determination of the planning application, from the evidence of the Council it does appear that there were substantive reasons for the delay. Whilst unfortunate, and frustrating for the applicant, those reasons are understandable. In this matter, I note that the applicant chose not to exercise their right to appeal against non-determination, despite being aware of the ability to do so (as it was referred to in their emails with the Council).
6. This case does not meet the test in the PPG where better communication with the applicant would have enabled the appeal to be avoided altogether. There was clearly a fundamental disagreement between the applicant and the Council on matters of planning judgement, notably the issue of whether or not the site was within a village, and the outcomes of any very special circumstances test.

7. The dissatisfaction of the applicant with the Council's preapplication process and outcomes, and indeed, the process around the validation and withdrawal of a previous application, is perhaps a matter best addressed directly with the Council. It does not bear on the application which led to this appeal or this application for costs.
8. The issues around habitats and biodiversity were clearly known about by the applicant, and it is clear that they commissioned specialist advice and surveys. That these did not result in the grant of planning permission is again, unfortunate, but they did fulfil their purpose. They identified some of the habitat and biodiversity issues on and around the site, including those areas requiring further work or investigation. That was not unnecessary or wasted expense. I do not find anything in the Council's assessment of, response to, or use of either the GMEU consultation responses, or the applicant's subsequent submissions which was unreasonable, unexplained or unjustified in the face of their overall approach to and assessment of the proposal.
9. In relation to the behaviour of the Council during the appeal, I find nothing in the submission before me as a whole, nor in this application for costs which demonstrates that they have behaved unreasonably in relation to procedural matters or with respect to the substance of the matter under appeal.

Other matters

10. I note the practical and personal impact of the planning process which the applicant has set out in the final comments to their application for an award of costs. Whilst I have some sympathy with the impacts they have identified, and do not doubt them, those impacts do not affect my assessment of the reasonableness of the behaviour of the Council. My conclusions therefore remain unchanged.

Conclusion

11. I therefore find that as the Council did not behave unreasonably, their behaviour did not cause the applicant unnecessary or wasted expense in the appeal process.
12. The application is therefore refused.

S Dean

INSPECTOR