



Costs Decision

Site visit made on 27 August 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th September 2025

Costs application in relation to Appeal Ref: APP/V4250/W/25/3365202

Shams Farm, Shakerley Lane, Atherton, Manchester M46 9TZ

- 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 Peter Williams, William Raymond Williams and Ruth Walton for a full award of costs against Wigan Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for outline application for residential development of up to 31 dwellinghouses, seeking approval of access all other matters reserved.
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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 PPG provides examples of unreasonable behaviour by local planning authorities. This includes procedural matters and substantive matters. This application for costs relates to the alleged unreasonable behaviour of the Council in relation to providing conflicting advice received in pre-application discussions and to the change in the advice received from a consultee during the application.
4. Engaging in pre-application discussions offers a range of benefits for prospective applicants seeking planning permission. It facilitates a clearer understanding of relevant planning policies and other material considerations, enables the early identification of potential issues and helps determine the necessary documentation to support a formal application, among other advantages.
5. However, as noted in the PPG, any advice provided by the local planning authority during the pre-application stage is not binding and cannot predetermine the outcome of the formal decision-making process. Consequently, it is entirely reasonable for the Council to reach a different conclusion upon reviewing the full evidence submitted with the formal application. Such a divergence would not therefore constitute unreasonable behaviour in the context of this decision.
6. Following the initial consultation, it is acknowledged that no objections were raised in relation to highways matters. A subsequent site visit was undertaken by the Council, during which observations were made. It is important to emphasise that planning officers retain the authority to reach conclusions that may differ from those of their consultees, as they are ultimately responsible for determining the application.

7. The Council notes that further formal advice was sought during the assessment process. While this may have caused frustration for the appellant, it is pertinent to recognise that the application was submitted in outline form, with access being the main matter for consideration. At the time, no decision had been reached. In this context, the Council was, in my view, appropriately fulfilling its duty to ensure that a well-informed and sound decision could be made by making further discussions with a consultee on the matter which is central to this application. Given the significance of access in evaluating the scheme, the pursuit of additional advice in light of the site visit conducted by the Council is not unreasonable.
8. To conclude, I am not persuaded that the local authority acted unreasonably in the matters raised above. As such, unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified. For these reasons and taking into account all other matters raised, the application for costs is refused.

J Smith

INSPECTOR