



Costs Decision

Site visit made on 8 October 2025

by **L N Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st October 2025

Costs application in relation to Appeal Ref: APP/W4223/W/25/3367017

Land on the south east side of Medlock Road, Failsworth, Manchester M35 9WG

- 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 Root Power (North) Ltd for a full award of costs against Oldham Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the installation and operation of a 30MW Battery Energy Storage System (BESS), including access and associated infrastructure.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

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 contends that examples of the Council's unreasonable behaviour relate to a lack of co-operation, and a delay in providing information and failure to adhere to deadlines.
4. The Council's appeal questionnaire and supporting documents were submitted almost two weeks later than the deadline given in the appeal Start Letter. The Council then missed the deadline for its Statement of Case.
5. This delay was explained as being due to ill health of a staff member resulting in time away from work, and a lack of available alternative cover due to other staff also being on various types of leave. I have sympathy for the affected officers, and acknowledge that such extenuating circumstances cannot be foreseen in general. However, the Council as an entity was aware of the appeal and its deadlines, and so could have contacted the Planning Inspectorate earlier in the process regarding this timescale difficulty. The Council's request to submit a late Statement of Case was only made after the appellant's Final Comments deadline had already passed, and thus was denied.
6. The outcome remains that there is no detailed evidence at all before me as to why Members refused the application contrary to the recommendation to approve with conditions.
7. Planning Committees are not bound to follow recommendations, and Green Belt considerations are a matter of planning judgement. Nonetheless, although the Council's costs rebuttal identifies that Members were unconvinced that the BESS

could only be located on this site in the Green Belt, there is nothing else before me to suggest why they considered it appropriate to refuse the application on this basis. As referenced in my appeal decision, it is well established that neither the PPG nor the Framework mandate the consideration of alternatives for renewable energy scheme site selection. Without any specific details of a reasoned approach to this matter, or any other associated matters relating to the cited lack of very special circumstances, the Council has thus failed to produce evidence to substantiate the reason for refusal on appeal.

8. When compared to the information in the Officer's report and recommendation, I therefore find that the reason for refusal is a vague and generalised assertion about the proposal's impact, unsupported by any objective analysis. For this reason primarily, I therefore find unreasonable behaviour to have occurred. This is further evident because I allowed the appeal due to the very special circumstances which I found would clearly outweigh the Green Belt harm and any other harm.
9. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Oldham Metropolitan Borough Council shall pay to Root Power (North) Ltd, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Oldham Metropolitan Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

L N Hughes

INSPECTOR