



Costs Decision

Site visit made on 10 March 2026

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th March 2026

Costs application in relation to Appeal Ref: APP/N4205/W/25/3375748

Land North West of Ringley Road, Ringley Road, Stoneclough, Radcliffe, Bolton M26 1AH

- 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 Cityview Estates Ltd for a full award of costs against Bolton Metropolitan Borough Council.
 - The appeal was against the refusal of the Council to grant Prior Approval for change of use from agricultural unit to 1no. dwellinghouse.
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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. An application for costs may be made on procedural grounds, relating to the appeal process, or substantive grounds, relating to the planning merits of the appeal.
3. The applicant claims that the Council's repeated delays and failings when handling the applicant's various applications are significant, making specific reference to their handling of a previous application in 2023. However, it is not my remit in the determination of this costs decision to consider procedural matters relating to previous applications at this site.
4. In terms of the current appeal, the applicant states that the Council failed to give due weight to the evidence submitted and failed to provide any contradictory evidence of its own. It is also claimed that the Council was over reliant on Google images.
5. The applicant also asserts that the Council has failed to consider the additional information and evidence provided in respect of the horse grazing on the site and simply followed the same line of argument it has on previous applications, without any consideration of the new evidence provided.
6. With regard to these matters, whilst the Officer Report does not specifically state the weight the Council attributed to the submitted affidavit, this does not mean that it was not taken into consideration. Moreover, the 'Analysis' section of the submitted Officer Report does make reference to the submission of "... *an updated Affidavit from a person who it is asserted has direct knowledge of the site...*", as well as confirming that this has been reviewed by the Council's Solicitor.
7. This section of the Officer Report goes on to detail that the Council Solicitor did not "...*consider that the amended affidavit addresses all the reasons for the appeal being*

dismissed” and the “...amended affidavit provided by the applicant does not provide sufficient evidence that the land has been used for agriculture”.

8. Whilst the Officer Report does not specifically detail any contradictory evidence the Council has which led it to come to such a decision, there are comments from interested parties which do contradict the submitted evidence from the appellant. Additionally, the Officer Report explains that *“It is for the appellant to prove on the balance of probability that the building was used solely for an agricultural use as part of an established agricultural unit in compliance with Paragraph Q.1(a).”*
9. As such, and based on the information before me, I find that the Council did take the submitted affidavit into consideration, but ultimately did not consider it sufficient to prove that the land in question was used for agricultural purposes on the 20th March 2013. Additionally, there is no substantive evidence before me to suggest that the Council over relied on Google images in its determination of the planning application.
10. Furthermore, in my appeal decision letter I have concluded that the submitted evidence does not demonstrate that the appeal site and building were used as agricultural for the purposes of a trade or business on 20th March 2013. I do not therefore find the Council's decision to refuse the prior approval application on the basis of its failure to comply with criterion Q.1(a) of Schedule 2, Part 3, Class Q, of the Town and Country Planning (General Permitted Development) Order 2015, as amended, to be unreasonable.
11. The applicant has also drawn my attention to an appeal decision¹ relating to a refusal to grant a certificate of lawful use or development, within which the Inspector makes reference to the Lawful Development Certificate section of the PPG which states²:

“In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.”
12. However, this referenced guidance from the PPG relates to lawful development certificates and explains the process for obtaining a lawful development certificate for existing or proposed use.
13. The appeal case before me does not relate to an appeal against a refusal to grant a certificate of lawful use or development and therefore the two cases are not directly comparable. This therefore limits the weight I can attribute this referenced appeal in my consideration of this costs application.

Conclusion

14. Given the above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is therefore not warranted.

R Major

INSPECTOR

¹ APP/Z4310/X/22/3296202

² Paragraph: 006 Reference ID: 17c-006-20140306