



Costs Decision

Site visit made on 8 August 2025

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Costs application in relation to Appeal Ref: APP/P4225/D/25/3364160

19 Birch Road, Wardle, Rochdale OL12 9QQ

- 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 Ms Misbha Riaz for a full award of costs against Rochdale Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for multiple extensions to side and rear of host dwelling and erection of outbuilding annexe.
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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 application for costs relies to a substantial extent on whether there was a lack of dialogue and engagement by the Council regarding the planning application.
4. Based on the evidence before me, the planning application was determined within the statutory time period on 22 January 2025. However, the applicant's evidence states that they made contact with the Council on two occasions several days apart, around 7-8 weeks into the application process.
5. The emails sent to the Council have been provided as part of the evidence and ask for updates, and query if there is anything the case officer needs. A response from the Council was received by the applicant after the issuing of the decision, having been refused for three reasons, stating the main issues.
6. The National Planning Policy Framework states that Local Planning Authorities should approach decisions on proposed development in a positive and creative way, and that decision-takers at every level should seek to approve applications for sustainable development where possible. Therefore, it is considered to be good practice for Local Planning Authorities to respond to and engage with applicants, to seek positive solutions to issues, which can sometimes be achieved through agreed amendments.
7. This is further supported by the PPG¹ which outlines that unreasonable behaviour relating to a Local Planning Authority can include a lack of co-operation with the

¹ Paragraph: 047 Reference ID: 16-047-20140306

other party. Given that I do not have a costs rebuttal before me from the Council, I have limited substantive evidence before me to adequately demonstrate why they did not engage with the applicant in this case.

8. Accordingly, I am of the view that unreasonable behaviour as described in the PPG has been demonstrated on the part of the Council with regard to a lack of co-operation with the other party.
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 Rochdale Metropolitan Borough Council shall pay to Ms Misbha Riaz 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.
11. The applicant is now invited to submit to Rochdale 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.

N Duff

INSPECTOR