



Costs Decision

Site visit made on 10 September 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2024

Costs application in relation to Appeal Ref: APP/P4225/W/24/3341458 20 Mellalieu Street, Middleton M24 5DN

- 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 Mr Neil Allen for a full award of costs against Rochdale Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the conversion of the existing basement to provide an additional self-contained dwelling within an existing apartment building.
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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 ("the 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 relies on the fact that the Council failed to produce evidence to substantiate their reason for refusal; relied upon vague, generalised or inaccurate assertions about the proposal's impact, which are unsupported by objective evidence; and the planning officer requested the withdrawal and resubmission of an earlier planning application and the submission of revisions to the revised planning application with the impression that this would result in the proposal being approved.
4. The Council's reason for refusal set out in the decision notice is complete, precise, specific and relevant to the proposal. It also clearly states the relevant policy of the Rochdale Adopted Core Strategy adopted 2016 that the development would conflict with. The reasons have been adequately substantiated by the Council in its Officer Report, which details how the Council considers the proposal would result in harm to the living conditions of future occupiers.
5. In the absence of technical reports from the applicant or detailed Council guidance on how to assess light and outlook, the acceptability or otherwise of the proposal on the living conditions of future occupiers is a matter of subjective judgement. Consequently, the local planning authority were not unreasonable in coming to their decision. Furthermore, following consideration of the appeal on its merits alone, I have concurred with the Council.

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6. I appreciate that it would be frustrating for the applicant to receive positive feedback from the planning officer and then for their recommendation to change. However, due to the subjective nature of the matter, it is not unreasonable for a senior officer/the Council to form a contrary view.
 7. The withdrawal and resubmission of a planning application is at the discretion of the applicant. While the Council may have suggested that the original scheme could be "worked on", there is nothing before me to suggest that the Council implied that a revised scheme would overcome their original concerns.
 8. I acknowledge the Council offered to accept amended plans for consideration if the applicant wished to submit any. However, this does not imply that the Council requested the submission of revised drawings, or that any revisions would overcome their concerns. The Council acknowledged that the revised drawings brought about marginal improvements. However, they provided clear reasons why they would not overcome their concerns. The planning officer's agreement to undertake a second site visit does not imply that an acceptable solution could be found.
 9. Consequently, the appeal was not borne out of the unreasonable behaviour of the Council and therefore the applicant did not incur unnecessary expense in the appeal process.

Conclusion

10. For the reasons given above, I find that unreasonable behaviour by the local planning authority, resulting in unnecessary and wasted expense as described in the PPG, has not been demonstrated and a full award of costs is not justified.

A Berry

INSPECTOR