The Planning Inspectorate

Costs Decision

Site visit made on 26 July 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2021

Costs application in relation to Appeal Ref: APP/P4225/D/21/3270620
Hesketh Villa, Whittle Lane, Heywood, Rochdale, Lancashire OL10 2RN

- 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 Joe Sedgley for a full award of costs against Rochdale Metropolitan Borough Council.
- The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("GPDO"). The development proposed is the construction of first floor above existing bungalow incorporating duo-pitched roof slopes and constructed with matching facing brick walls and concrete tiled roofs.

Decision

1. The application for an award of costs is refused.

Reasons

2. The application for an award of costs was submitted in writing and the content will be familiar to both parties. Consequently, I shall not repeat the submission in full within this decision.

3. Government guidance on the award of costs is set out in the Planning Practice Guidance (PPG). Paragraph 030 of that guidance notes that a party may have costs awarded against them in relation to appeal proceedings if they have behaved unreasonably and that behaviour has led another party to incur unnecessary expense. Those two matters are pre-requisites for an award; if there has been no unreasonable behaviour or no wasted expense an award will not be justified.

4. The applicant seeks an award of costs on the basis that the decision is unreasonable and the Council's interpretation of the Statutory Instrument is flawed. This has resulted in the applicant expending professional costs for the submission of the appeal and delays with regard to the construction of the proposal.

5. The Council's officer report sets out why they consider the scheme does not comply with Schedule 2, Part 1, Class AA of the GPDO. The Council's costs rebuttal provides a more detailed explanation, and they assert that their interpretation of the requirements of Class AA was reasonable and correct.

6. Whilst the Council's costs rebuttal does provide more detailed reasoning for the reason for refusal, the planning officer's report and the reason for refusal were

clear and sufficient evidence was submitted to support the Council's stance. The application required an exercise of planning judgement and interpretation of the GPDO. While I do not agree with the Council's decision, sufficiently robust evidence was submitted to show that it did not apply its judgement in an unreasonable manner. The Council clearly set out why they considered that the proposal would not comply with condition AA.2(2)(c) of Schedule 2, Part 1, Class AA of the GPDO. The reason for refusal was not unreasonable.

7. The applicant has not shown that the Council's refusal of planning permission was unreasonable. In the absence of any unreasonable behaviour there are no grounds for an award of costs and a full or partial award is unjustified.

L M Wilson

INSPECTOR