



Costs Decision

Site visit made on 2 May 2024

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Costs application in relation to Appeal Ref: APP/T4210/W/23/3333657 Land adjacent to 1 Park Avenue, Ramsbottom, Bury BL0 0DA

- 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 Park Avenue Ltd for a full award of costs against Bury Council.
 - The appeal was against the refusal of planning permission for new detached 3 storey house.
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Decision

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

Reasons

2. 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. Unreasonable behaviour can be either substantive (relating to the merits of the appeal) or procedural (relating to the process) in nature. The applicant is seeking an award of costs on a substantive grounds, namely the Council's alleged inaccurate assessment of the distance between the proposed dwelling and the neighbour at No.76 Bury New Road (No.76) which it is claimed has resulted in the appeal being lodged.
4. It is clear from the evidence that there is disagreement between the parties regarding the distance between the proposed dwelling and the rear boundary shared with No.76. In their Statement of Case, the Council comment that the proposed site plan does not scale electronically at 1:100 (as annotated on the drawing). This discrepancy or error (if it is one) could have been resolved through dialogue with the applicant during course of determination of the planning application. It does, however, form only a part of the Council's consideration and assessment of the effect of the proposals on the living conditions of No.76, and I am not persuaded that a different (agreed) figure would have changed the conclusion. Further, there were also fundamental differences between the parties in relation to the effect on character and appearance, highway integrity and car parking. Thus, the appeal process was unavoidable in this regard.
5. I therefore find that the Council has not acted unreasonably with respect to the substance of the appeal. Consequently, unreasonable behaviour resulting in

unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

R. Jones

INSPECTOR