
Costs Decision

Site visit made on 20 September 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 October 2016

Costs application in relation to Appeal Ref: APP/R0660/W/16/3153559 Foxholme Stables, Moor Lane, Wilmslow, Cheshire SK9 6DN

- 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 Carole Redgrave for a full award of costs against Cheshire East Council.
 - The appeal was against the refusal of planning permission for the erection of replacement stable and storage building.
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Decision

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

Reasons

2. Planning Practice Guidance advises that irrespective of the outcome of an appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
 3. The basis of the submission put forward by the applicant is that the Council failed to take into account the clear and positive pre application advice it had given to the applicant and that there was a lack of feedback at the application stage.
 4. Pre application advice is given on a without prejudice basis and is not binding on the eventual outcome of a formal determination of an application. This was clearly stated in the letter from the Council dated 9 September 2015. The letter raised concerns about the size of the development and advised that it would not preserve the openness of the Green Belt. The Officer giving the pre application advice went on to say that he considered that there were special circumstances that needed to be given additional weight.
 5. In the assessing the merits of the application, the Council's Delegated Report gave consideration to the very special circumstances that had been referred to at pre application stage and concluded that they did not outweigh the harm to the Green Belt. The Council justified their position and provided reasons for refusal based on the National Planning Policy Framework, the development plan and other considerations. I therefore find that the Council did not behave unreasonably in this regard.
 6. The applicant refers to the lack of feedback from the Council during the application process. It is clear from the evidence before me that there was
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some initial feedback from the Council giving the view that the application was likely to be refused. A second site visit was then arranged for the Officer to fully assess the site and the level differences. No further feedback was provided to the applicant and the application was subsequently refused.

7. The reason for refusal was based on conflict with Green Belt policy and was not a matter that could reasonably have been overcome by amendments to the scheme. It is understandable that the Council felt that further discussions would be not be beneficial. The Council's failure to provide further advice or an update after the site visit would not in my view amount to unreasonable behaviour.
8. Accordingly, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for award of costs is refused.

Helen Hockenhull

INSPECTOR