
Costs Decision

Site visit made on 20 December 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 23 December 2016

Costs application in relation to Appeal Ref: APP/M0655/D/16/3158409 12 Mitton Close, Warrington, WA3 4UE

- 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 and Mrs Holt for a full award of costs against Warrington Borough Council.
 - The appeal was against the refusal of the Council to planning permission for two storey front and rear extensions.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably, and thereby caused the party applying for the costs to incur unnecessary or wasted expense in the appeal process.
3. The application was recommended for approval by the Council's officers. Members are not bound to accept the recommendations of their officers however, this does not exempt them from following the Planning Practice Guidance which says that Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal.
4. Examples of this are listed¹ in the PPG and include: "*Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations*" and "*vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis*".
5. Whilst the Council produced a reason for refusal which referred to the size of the extension and the effect of it upon the neighbouring occupiers, no real explanation was evident as to why the extension should have such an effect. In particular, there was no indication of why the development should have been unacceptable even though it adhered to the Council's House Extension Guidelines. Whilst some cases are borderline, the proposal was well within the HEG for distances between buildings. I understand that the committee members visited the properties adjoining the appeal site but this does not offer any explanation of their conclusions.

¹ Paragraph 049 Reference ID 16-049-20140306

6. I consider that the development should have been clearly permitted and that the Council produced vague and generalised assertions about the proposal's impact which are unsupported by objective analysis. The Council has therefore behaved unreasonably, and thereby caused the party applying for the costs to incur unnecessary expense in the appeal process

Costs Order

7. 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 Warrington Borough Council shall pay to Mr and Mrs Holt, 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.
8. The applicant is now invited to submit to Warrington 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.

Siobhan Watson

INSPECTOR