
Costs Decision

Site visit made on 13 February 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 8 March 2017

Costs application in relation to Appeal Ref: APP/A0665/D/3164550 Highview, Plough Lane, Christleton, Chester CH3 7BA

- 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 & Mrs E Barnes for a full award of costs against Cheshire West & Chester Council.
 - The appeal was against the refusal of planning permission for the demolition of double garage, erection of porch, single storey side extension, raising of roof and first floor extensions.
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Decision

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

Reasons

2. Planning Policy Guidance advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense or wasted expense in the appeal process.
 3. The appellant believes that appeal proposal to be only a minor and insignificant change to the extant permission which provides a fallback position. The appellant further contends that the proposal would improve the visual quality of the property and would not materially impact on the openness of the Green Belt in the context of the surrounding development.
 4. Paragraph 049 of the Planning Practice Guide states that examples of unreasonable behaviour by local planning authorities include vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; or 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.
 5. The Council's reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the Cheshire West and Chester Local Plan (Part One), Strategic Policies and the Saved Chester District Local Plan that the proposal would be in conflict with. Conflict with the National Planning Policy Framework it also cited. Furthermore, the Council Officer's Delegated Report clearly set out why the Council considered the appeal proposal would be inappropriate development and also took into consideration the differences between the extant permission and the development proposed in this case.
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6. It will be seen from my decision that although I agreed with the Council that the proposal is inappropriate development, I found that the very special circumstances necessary to justify the proposal have been demonstrated. However, the decision is a matter of judgement. I am satisfied, for the reasons given above, that the Council adequately substantiated its reason for refusal, took into account the development plan, national policy and material considerations, and were clear about the impact of the development.
7. I therefore conclude unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated, and an award of costs is therefore not justified.

Elizabeth Pleasant

INSPECTOR